

MASTER COPY

LAS CRUCES POLICE DEPARTMENT

LCPD: 2316587 (STATE029)

DASO: 23007252

OFFENSE: ASSISTING OTHER AGENCY

STATEMENT CONDUCTED BY:

DETECTIVE MARK MYERS #292

CRIMINAL INVESTIGATION DIVISION

LAS CRUCES POLICE DEPARTMENT

DATE:

TIME:

PLACE:

STATEMENT OF: GABRIEL AVILA

MYERS: HOW ARE YOU DOING, BUD?

MADRID: HOW'S IT GOING?

MYERS: HOW YOU DOING, MAN. MY NAME IS MARK MYERS. I WORK WITH THE CITY POLICE HERE IN LAS CRUCES. THIS IS RICKY MADRID.

MADRID: HEY, HOW YOU DOING?

MYERS: HOW YOU DOING, HAVE A SEAT. SO HOW ARE YOU DOING TODAY?

AVILA: UM...SOME THINGS (INAUDIBLE) ALL THESE TRANSPORTS.

MYERS: YEAH.

AVILA: ALL THESE TRANSPORTS, I'M CONFUSED. I DON'T KNOW. I'M ALRIGHT THOUGH.

MYERS: YOU OKAY? OKAY, WELL YOUR NAME'S COME UP IN AN INVESTIGATION THAT WE'VE BEEN WORKING ON FOR A WHILE NOW. AND WE WANTED TO CHAT WITH YOU AND INTRODUCE OURSELVES TO YOU AND KIND OF GET YOUR SIDE OF THE STORY, IF THAT'S OKAY WITH YOU.

AVILA: YEAH.

MYERS: OKAY, UH---

AVILA: SO YOU GUYS ARE NOT I.C.E.?

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2316587 GABRIEL AVILA (STATE029)

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MYERS: ---NO, NO, NO.

AVILA: 'CAUSE THAT'S WHAT I WAS TOLD.

MYERS: THAT YOU'RE HEAR FOR AN I.C.E. HEARING OR--

AVILA: YEAH, THAT'S (INAUDIBLE)

MYERS: --AND YOU MAY VERY WELL BE. I MEAN WE...WE CALLED EARLY THIS MORNING TO KIND OF FIND OUT WHERE YOU WERE AND THEY SAID YOU WERE HERE AND SO WE THOUGHT LET'S GO TALK TO HIM. DOES THAT SOUND FAIR ENOUGH?

AVILA: YEAH.

MYERS: HAVE LONG HAVE YOU BEEN...BEEN INSIDE?

AVILA: SINCE JULY 2005.

MYERS: SINCE JULY...OKAY. AND JUST SO WE CAN GET SOME OF THE BIOGRAPHICAL INFORMATION OUT OF THE WAY. CAN YOU JUST TELL US WHAT'S YOUR FULL NAME.

AVILA: GABRIEL AVILA.

MYERS: AND WHAT'S YOUR DATE OF BIRTH, GABRIEL?

AVILA: PPI [REDACTED] 79.

MYERS: AND WHAT'S YOUR SOCIAL SECURITY NUMBER?

AVILA: PPI [REDACTED]

MYERS: AND BEFORE YOU GOT LOCKED UP, WHERE DID YOU LIVE?

AVILA: IN LAS CRUCES.

MYERS: DO YOU REMEMBER THE ADDRESS OF WHERE YOU WERE STAYING?

AVILA: 1947 DEFIANCE ROAD.

MYERS: OKAY, AND WHAT...DO YOU REMEMBER...DID YOU HAVE A PHONE THERE AT THE TIME?

AVILA: 527-2314.

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MYERS: OKAY, AND DID YOU WORK?

AVILA: YEAH.

MYERS: WHO DID YOU WORK FOR?

AVILA: RAWSON BUILDERS & SONS.

MYERS: OKAY, AND DO YOU REMEMBER THE ADDRESS OR PHONE NUMBER TO THAT PLACE? OR WHERE IT WAS OR---

AVILA: OFF...I KNOW THE TWO CORNERS IS 14TH STREET AND HADLEY.

MYERS: --AND DID YOU HAVE A BOSS OR A SUPERVISOR OR SOMEBODY THERE?

AVILA: YEAH, I THINK THEY DON'T WORK THERE NO MORE. BUT HE'S CAMPBELL...BUD CAMPBELL.

MYERS: AND HOW LONG DID YOU WORK FOR THEM?

AVILA: ABOUT FOUR YEARS.

MYERS: AND WHAT DID YOU DO FOR THEM?

AVILA: WELD.

MYERS: AND LIKE I'VE SAID, WE'VE BEEN CONDUCTING THIS INVESTIGATION FOR QUITE SOME TIME NOW. WE'VE COME A LONG AWAY WITH IT. WE'VE GOT A LOT OF EVIDENCE. AND I'D LIKE TO TALK TO YOU ABOUT ALL THAT AND...AND GET YOUR SIDE OF...OF THE STORY, IF YOU'RE WILLING TO TALK WITH US.

AVILA: I DON'T KNOW. WHAT INVESTIGATION (INAUDIBLE)

MYERS: WELL I'LL EXPLAIN EVERYTHING TO YOU, MAN. I JUST NEED TO---

AVILA: SURE.

MYERS: --TO SEE IF YOU'RE WILLING TO TALK TO US AND KIND OF GO OVER IT. WHEN THEY ARRESTED YOU THE LAST TIME, DID YOU...DID THEY GO OVER YOUR MIRANDA WARNING WITH YOU? READ YOUR MIRANDA RIGHTS.

AVILA: (INAUDIBLE)

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MYERS: A LITTLE BIT? WELL I JUST WANT TO GO OVER THEM WITH YOU. REFRESH YOUR MEMORY A LITTLE BIT. IS THAT OKAY?

AVILA: SURE.

MYERS: OKAY, BASICALLY WHAT THEY ARE IS...I WANT TO MAKE SURE I DON'T MISS (INAUDIBLE) DO YOU HAVE THAT OTHER (INAUDIBLE) I JUST WANT TO MAKE SURE I GET IT RIGHT. ALRIGHT, BUDDY, SO BASICALLY WHAT YOUR MIRANDA WARNING SAYS IS THAT YOU OBVIOUSLY HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU'RE BEING QUESTIONED. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER MY QUESTIONS (INAUDIBLE). DO YOU UNDERSTAND EACH OF THESE RIGHTS AS I'VE EXPLAINED THEM TO YOU?

AVILA: (NO ANSWER HEARD)

MYERS: AND HAVING THESE RIGHTS IN MIND, DO YOU WANT TO TELL US.

AVILA: WELL I ANSWER (INAUDIBLE) YEAH. I MEAN---

MYERS: YEAH, RIGHT AND THAT'S WHAT I'M SAYING. I MEAN IF YOU WANT TO TALK TO US NOW, YOU CAN STOP TALKING TO US AT ANY TIME. IS THAT COOL?

AVILA: ---OKAY.

MYERS: UM---

AVILA: JUST ONE QUESTION, AM I BEING ARRESTED...RE-ARRESTED (INAUDIBLE)

MYERS: ---NO, NO, NO...RIGHT NOW FOR OUR...OUR PURPOSES IN THIS INVESTIGATION, OBVIOUSLY YOU'RE IN PRISON SO YOU (INAUDIBLE)---

AVILA: (INAUDIBLE)

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MYERS: --YOU'RE DOING FINE. BUT RIGHT NOW FOR OUR PURPOSES,
YOU'RE NOT UNDER ARREST--

AVILA: OR FACING ANY CHARGES OR--

MYERS: --I'M NOT UH...YOU'RE NOT UNDER ARREST AT THIS TIME. WHEN
WE CONCLUDE THIS INFORMATION...WHAT WE CONCLUDE TODAY,
I'M NOT GONNA SIT HERE AND SAY OKAY HERE'S THE ARREST
WARRANT. YOU KNOW WHAT I'M SAYING? WE'RE GONNA TALK.
WE'RE GONNA SEE WHAT YOUR SIDE OF THE STORY, HOW THAT
FITS IN TO OUR INVESTIGATION. AND THEN ANY CHARGING
DECISIONS ARE GONNA BE MADE MUCH FURTHER DOWN THE
ROAD.

AVILA: ---I GUESS...I DON'T UNDERSTAND NOW BUT YEAH.

MYERS: WELL TELL ME WHAT YOU DON'T UNDERSTAND? I WANT TO MAKE
IT CLEAR FOR YOU, MAN. I DON'T WANT YOU TO THINK WE'RE
TRYING TO RAILROAD YOU---

AVILA: WHAT IS THIS INVESTIGATION ABOUT?

MYERS: --WELL I'LL GET TO THAT.. BUT I MEAN YOU UNDERSTAND THE
PROCEDURE...LIKE YOU UNDERSTAND THAT I'M NOT ARREST...RE-
ARRESTING YOU ON NEW CHARGES FOR ANYTHING TODAY?

AVILA: YEAH (INAUDIBLE - MUMBLING)

MYERS: I JUST WANT TO MAKE SURE YOU UNDERSTAND HOW THE
PROCESS IS GOING. I'M GONNA...I'M GONNA LAY OUT WHAT THE
INVESTIGATION'S ABOUT. BUT I JUST WANT TO MAKE SURE
YOU'RE CLEAR ON---

AVILA: YEAH--

MYERS: --ON YOUR MIRANDA WARNING. WHAT WE'RE DOING. HOW WE'RE
GONNA GO ABOUT IT AND I'LL EXPLAIN TO YOU THE
INVESTIGATION.

AVILA: ---YEAH.

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MYERS: OKAY? ALRIGHT, NOW I WANT TO TAKE YOU BACK A LITTLE BIT ABOUT YOUR NOVEMBER...WHAT YOU GOT IN TROUBLE FOR IN NOVEMBER. LIKE I SAID IT WAS (INAUDIBLE)

AVILA: YEAH.

MYERS: OKAY, AND I CAN RELATE WITH YOU A LITTLE BIT WITH WHAT YOU'RE GOING...WHAT YOU WERE GOING THROUGH AT THAT TIME. THAT WOULD DRIVE YOU TO SOMETHING LIKE THAT. AND I'M GONNA LET YOU KNOW THAT WE'RE NOT HEAR TO JUDGE YOU OR PASS JUDGMENT ON YOU OR CONDEMN YOU FOR ANYTHING. IF WE DIDN'T BELIEVE THAT THERE'S TWO SIDES TO EVERY STORY OR THAT THERE'S THINGS THAT PEOPLE GO THROUGH AND PROBLEMS PEOPLE HAVE, THAT LEAD THEM IN CERTAIN DIRECTIONS, WE PROBABLY WOULDN'T EVEN BE HERE TALKING TO YOU. WE PROBABLY WOULDN'T CARE WHAT YOUR SIDE OF THE STORY WAS, OKAY? WE BOTH HAVE BEEN DOING THIS FOR A...A LONG PERIOD OF TIME. HE'S BEEN DOING IT FOR OVER 20 YEARS. I'VE BEEN DOING IT FOR OVER 15 YEARS. WE'VE TALKED TO ALL SORTS OF TYPE OF PEOPLE OVER ALL SORTS OF TYPES OF THINGS. AND I JUST WANT YOU TO KNOW RIGHT NOW, YOU KNOW, MAN TO MAN THAT I'M NOT JUDGING YOU FOR ANYTHING YOU MAY HAVE DONE IN THE PAST. I'M NOT CONDEMNING YOU. I'M NOT HERE TO JUST THROW THE BOOK AT YOU...RAILROAD YOU.. AND NOT GIVE YOU AN OPPORTUNITY TO GET HELP OR UM...BE TREATED FAIRLY, OKAY? YOU UNDERSTAND THAT?

AVILA: UH-HUH.

MYERS: OKAY, NOW SPECIFICALLY WHAT WE'RE LOOKING INTO IS A HOMICIDE THAT OCCURRED IN AUGUST OF 2003. ABOUT TWO AND A HALF MONTHS BEFORE YOU GOT IN TROUBLE FOR WHAT YOU'RE IN HERE FOR NOW. OKAY?

AVILA: (INAUDIBLE)

MYERS: UM...AND I THINK PROBABLY WE BOTH KNOW SITTING HERE TODAY THAT YOU MIGHT HAVE HAD SOMETHING TO DO WITH IT...WITH THAT AND...AND THAT'S WHY WE'RE HERE, MAN. ALL WE...ALL WE'RE TRYING TO DO IS GET YOUR...YOUR SIDE OF THE STORY. I MEAN WE HAVE...YOU COULD SEE BOOKS FULL OF INFORMATION UM...PHYSICAL EVIDENCE. UM...FAIRLY INDISPUTABLE PHYSICAL EVIDENCE THAT AT LEAST TELLS US YOU HAD SOME PART TO PLAY IN THIS HOMICIDE. AND I WOULD LIKE TO SHARE THAT WITH YOU, IF YOU'RE UP FOR IT.

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AVILA: SHOULDN'T I...I DON'T KNOW---

MYERS: AND...AND I WILL TELL YOU THIS TOO, AT THIS POINT IT'S (INAUDIBLE) LIKE I SAID, I DIDN'T COME HERE WITH AN ARREST WARRANT. I DIDN'T COME HERE PRE-JUDGING YOU. I DIDN'T COME HERE THINKING I KNOW WHO YOU ARE OR...OR ANYTHING. I WILL TELL YOU WE'VE LOOKED INTO YOUR BACKGROUND A LITTLE BIT. UM...AND I HAVE MY OPINIONS OF WHAT KIND OF PERSON YOU ARE AND I'LL SHARE THOSE WITH YOU. I'M NOT GONNA HIDE THAT FROM YOU. UM...BUT I WILL TELL YOU THROUGHOUT THIS PROCESS NOW, IT IS VERY IMPORTANT...TWO THINGS THAT WE CAN TAKE BACK TO THE DISTRICT ATTORNEY'S OFFICE AND OUR BOSSSES FROM THIS. IS A SENSE OF ACCEPTANCE, OF RESPONSIBILITY ON YOUR PART. AND A SENSE OF REMORSE, WHICH I THINK WE CAN GET TO PRETTY SOON. BECAUSE I DON'T THINK YOU'RE THE TYPE OF PERSON THAT IS SOME KIND OF MONSTER OF SOME KIND OF (INAUDIBLE). I HAVE MY REASONS WHY THINGS HAPPENED THE WAY THEY DID. BUT I JUST WANT YOU TO REMEMBER THAT THE...AT THIS POINT, THE CONSEQUENCES ARE ANYTHING FROM, YOU KNOW, ANYWHERE ALONG THE GAMUT FROM NOT-SO-SERIOUS TO PROBABLY THE WORST THING YOU CAN THINK OF. AND WE NEED, BASED ON YOUR LEVEL OF COOPERATION. BASED ON YOUR LEVEL OF ACCEPTANCE AND RESPONSIBILITY, WE'RE GONNA PLUG YOU IN TO THAT (INAUDIBLE). SO I JUST WANT YOU TO BEAR THAT IN MIND WHEN...AS WE'RE TALKING. OKAY?

AVILA: UH-HUM.

MYERS: OKAY, WERE YOU AROUND...WERE AROUND IN AUGUST OF '03?

AVILA: HERE IN CRUCES?

MYERS: YEAH, IN CRUCES.

AVILA: YEAH...YEAH I WAS.

MYERS: OKAY, WERE YOU STILL LIVING AT THAT ADDRESS ON DEFIANCE?

AVILA: EXACTLY.

MYERS: OKAY, UM...I THINK PROBABLY, BUT I WANT TO HEAR IT FROM YOU, HOW...HOW WAS YOUR...I MEAN WAS THERE ANY MAJOR STRESSES OR ANYTHING GOING ON IN YOUR LIFE AT THAT TIME? WERE YOU GETTING ALONG WITH YOUR WIFE?

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AVILA: I WAS GETTING ALONG WITH MY WIFE, YEAH. YEAH, JUST A REGULAR, TYPICAL PROBLEMS COUPLES FACES I GUESS.

MYERS: RIGHT. I REMEMBER READING—

AVILA: IT HAPPENED (INAUDIBLE)

MYERS: —RIGHT. OKAY, HOW WAS WORK AT THAT TIME?

AVILA: IT WAS GOOD. I WAS BEING PROMOTED AND IT WAS GOOD.

MYERS: OKAY, ANY OTHER KIND OF MAJOR STRESSORS GOING ON WITH ANYTHING THAT WAS CAUSING YOU ANY KIND OF—

AVILA: WELL...ONE THE REASON I JUST...THE IMMIGRATION THING. THAT WAS ABOUT IT.

MYERS: --OKAY, WAS THAT PRETTY DISTRESSING FOR YOU?

AVILA: WELL I HAD BEEN HERE FOR QUITE A WHILE AND I HADN'T BEEN ABLE TO SEE MY FAMILY. BUT IT WASN'T LIKE IF IT WAS PLAYING A BIG PART OF MY LIFE. YOU KNOW LIKE WHEN YOU NEED TO DO SOMETHING, YOU KNOW.

MADRID: WHEN YOU SAY IMMIGRATION (INAUDIBLE) JUST SO I CAN UNDERSTAND YOU, YOU WERE TRYING TO GET RESIDENT ALIEN STATUS?

AVILA: YES, SIR.

MADRID: OKAY, AND THERE WAS I GUESS SOME STUFF—

AVILA: YEAH, THEY...THEY WERE DENYING ME AND—

MADRID: --OKAY (INAUDIBLE)

MYERS: AND HOW ABOUT FRIENDS AND STUFF LIKE THAT. DID YOU HAVE ANY REALLY CLOSE FRIENDS THAT YOU HUNG OUT WITH OR—

AVILA: WELL I HAD ONE THAT...ONE OF MY FRIENDS IS RIGO MANCHA. HE LIVES AT 1800 BROMILOW I THINK.

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- MYERS: ---OKAY.
- AVILA: YEAH. I HUNG OUT WITH HIM, YOU KNOW. SOMETIMES WE'D GO RUN AROUND AND WE WENT FISHING AND THINGS LIKE THAT. (INAUDIBLE) HE USED TO WORK ALSO WHERE I USED TO WORK.
- MADRID: YOU'RE PRETTY CLOSE FRIENDS OF YOURS?
- AVILA: YEAH.
- MADRID: YOU CONSIDER? DID YOU MEET HIM THERE AT THAT WORK OR DID YOU KNOW HIM BEFORE?
- AVILA: I MET HIM...I MET HIM AT WORK. BUT...AND HE KNEW MY WIFE BEFORE I MET HIM SO...(INAUDIBLE)
- MYERS: AND HOW LONG WOULD YOU SAY YOU KNEW HIM...HUNG OUT WITH HIM?
- AVILA: ABOUT FOUR OR FIVE YEARS.
- MYERS: OKAY, HAS HE KEPT IN TOUCH WITH YOU WHILE YOU'VE BEEN INSIDE?
- AVILA: NAH, NOT A LOT. NO. JUST...WHEN I FELL FIRST AND I WAS IN COUNTY, I CALLED HIM A COUPLE OF TIMES AND...AND I GOT OUT ON BOND AND I WENT ON THE RUN. AND THEN I...I HAD (INAUDIBLE). I TALKED TO HIM (INAUDIBLE).
- MYERS: NOW ABOUT THAT TIME, WHILE YOU WERE OUT AND ABOUT, TRY AND EXPLAIN THAT TO ME. YOU WERE CONVICTED...WHEN WERE YOU CONVICTED?
- AVILA: WELL...IN 2004...WELL I GOT ARRESTED ON NOVEMBER, RIGHT AROUND NOVEMBER, AND---
- MYERS: IS THAT '04 OR '03?
- AVILA: ---'03.
- MYERS: OKAY.
- AVILA: AND THEN I GOT OUT LIKE A WEEK AFTER ON BOND. AND THEN I...I WENT TO COURT AND ALL THAT. IN EARLY 2004, I DON'T REMEMBER THE MONTH EXACTLY BUT UH...APRIL OR SOMETHING AND THEN I WAS FOUND GUILTY. AND THEN I GOT OUT AND

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I...I...THEN I WAS TRIPPING. I'M LIKE WHY...WHY THESE (INAUDIBLE) IN THE FIRST TRIAL AND THEN I DECIDED I WAS GONNA RUN. AND...BACK TO MEXICO.

MYERS: OKAY, SO YOU WERE ARRESTED UM...WHAT WERE YOU DRIVING BACK THEN...BACK AT THAT TIME?

AVILA: WHEN I WAS ARRESTED?

MYERS: YEAH.

AVILA: A LITTLE PICKUP, AN '84.

MYERS: DO YOU REMEMBER THE MAKE OF IT?

AVILA: UM...NISSAN...NISSAN.

MYERS: NOW IN DECEMBER I THINK YOU SWITCHED OUT THE RIMS, TIRES--

AVILA: YEAH, I BOUGHT...I BOUGHT...I BOUGHT TIRES AND I BOUGHT RIMS FOR IT. AND I GOT THE ALIGNMENT (INAUDIBLE)

MYERS: YEAH, DO YOU REMEMBER WHAT KIND OF TIRES WERE ON THAT BEFORE YOU SWITCHED THEM OFF?

AVILA: NAH, (INAUDIBLE).

MYERS: THE ONE (INAUDIBLE) YEAH, BUT THAT'S THE FIRST TIME YOU HAD EVER DONE ANYTHING WITH THE TIRES--

AVILA: YEAH, YEAH, YEAH I DID BECAUSE I KNEW...WELL ACTUALLY DURING THAT PROCESS IN NOVEMBER AND THE TRIAL, I WENT...I WENT TO JUAREZ. I WENT A COUPLE OF WEEKS. BUT I WASN'T PLANNING TO GO A COUPLE OF WEEKS. I WAS PLANNING TO JUST GO AND STAY OVER THERE. SO I SAID WELL I MIGHT AS WELL JUST FIX UP THE TRUCK. AND I ALMOST GOT IT STOLEN (GIGGLES)

MYERS: --OH, IS THAT...YOU ALMOST GOT IT STOLEN?

AVILA: YEAH AND THEN I TALKED TO MY LAWYER AND SO WE GOTTA COME BACK, YOU'RE MAKING THINGS WORSE. SO I DID COME BACK.

MYERS: OKAY, WHO REPRESENTED YOU?

AVILA: JOSE ARRIETA.

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MYERS: ALRIGHT, NOW LET'S TALK ABOUT MORE OF WHAT...OF OUR INVESTIGATION. AND SPECIFICALLY WE'RE INTERESTED IN KATIE SEPICH. ARE YOU FAMILIAR WITH THAT NAME?

AVILA: HUH-UH.

MYERS: NOT AT ALL?

AVILA: (NO ANSWER HEARD)

MYERS: OKAY, DID YOU EVER KNOW A GIRL NAMED KATIE SEPICH?

AVILA: NO.

MYERS: NO? OKAY, DID YOU EVER HANG OUT OR EAT VERY MUCH OR...AT EL SOMBREDO RESTAURANT?

AVILA: I NEVER EATEN THERE. MY WIFE WANTED TO GO EAT THERE BUT WE NEVER DID.

MYERS: OKAY, WHY NOT?

AVILA: (INAUDIBLE)

MYERS: YEAH.

AVILA: (GIGGLES)

MYERS: OKAY, NOW ARE YOU FAMILIAR WITH THAT CASE AT ALL?

AVILA: I...WELL WHAT IS EXACTLY THE CASE?

MYERS: WELL THE CASE. DID YOU HEAR ABOUT IT IN THE MEDIA? DID YOU KNOW THAT SHE HAD BEEN KILLED? DID YOU KNOW ANYTHING THAT WAS GOING ON DURING THAT TIME?

AVILA: WELL I HEARD SOMEBODY GOT KILLED BACK THEN. I DON'T KNOW. I DIDN'T KEEP, YOU KNOW, WATCHING THE MEDIA OR PAPERS OR ANYTHING LIKE THAT.

MYERS: OKAY. ALRIGHT, SO I'M JUST GONNA ASK YOU SPECIFICALLY, I MEAN DID YOU EVER HARM ANYBODY IN AUGUST OF '03?

AVILA: NO, SIR.

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MYERS: ARE YOU SURE?

AVILA: NO--

MYERS: THIS IS WHERE YOUR LEVEL OF RESPONSIBILITY AND ACCEPTANCE IS GOING TO BE VERY IMPORTANT. 'CAUSE I'M GONNA TELL YOU, MAN, THAT WE HAVE INDISPUTABLE EVIDENCE HERE, OKAY. THAT YOU WERE INVOLVED IN THIS...IN THIS INCIDENT, OKAY? AND I'M GONNA TELL YOU THAT IT IS DNA EVIDENCE AND WE'VE RECOVERED SOME PHYSICAL EVIDENCE THAT LINKS YOU TO THIS INCIDENT, OKAY? AND LIKE I SAID BEFORE, AND I JUST THINK THAT THINGS ARE HAPPENING AT THIS TIME FOR...FOR DIFFERENT REASONS. BUT I JUST BELIEVE THAT WHEN YOU CAME ACROSS THIS PERSON, YOU WEREN'T OUT TO HURT ANYBODY, OKAY? BUT THE ONLY WAY WE'RE GONNA KNOW THAT IS IF YOU TELL US YOUR SIDE OF THE STORY, OKAY? AND IF YOU DON'T TELL US YOUR SIDE OF THE STORY, I MEAN OBVIOUSLY EVERYONE'S GONNA JUST WANT TO THINK THE WORST.

AVILA: YEAH.

MYERS: YOU KNOW WHAT I'M SAYING, MAN? AND...AND THAT'S NO GOOD FOR YOU. IT'S NO GOOD FOR YOUR FAMILY. I MEAN THE BEST THING WE CAN DO IS JUST GET TO THE BOTTOM OF IT. EXPLAIN TO US EXACTLY WHAT HAPPENED...'CAUSE WE KNOW WHAT HAPPENED. AT THE VERY BASIC LEVEL WE KNOW WHAT. WHAT'S IMPORTANT FOR EVERYBODY, MOST IMPORTANT FOR YOU AND YOUR FAMILY, IS THE WHY, OKAY? AND IF YOU DON'T TELL US, WE HAVE NO WAY TO KNOW THAT. YOU KNOW WHAT I'M SAYING? WE HAVE NO WAY TO KNOW AND THEY'RE GONNA PAINT THIS PICTURE OF A MONSTER WHO IS OUT THERE JUST LOOKING TO RAPE AND MURDER AND KILL AND MAIM AND...AND I PERSONALLY, I DON'T BELIEVE THAT. I REALLY DON'T. AND IF I DID, I WOULD HAVE WALKED IN HERE WITH AN ARREST WARRANT AND I WOULDN'T GIVE A SHIT ABOUT WHAT YOU HAD TO SAY. I WOULDN'T. I MEAN THE EVIDENCE IS THAT GOOD. BUT I DON'T BELIEVE THAT. I'VE GONE THROUGH SOME THINGS IN MY LIFE THAT OVER THE LAST FEW MONTHS WHERE...I MEAN I JUST CAN SEE THE HUMANITY IN...IN JUST ABOUT EVERYBODY. AND I WANT TO SEE THAT IN YOU AND I WANT TO HEAR THAT FROM YOU. BUT I NEED YOU TO TELL US WHAT HAPPENED. I MEAN FROM THE VERY BEGINNING TO THE VERY END AND...AND I MEAN I THINK YOU'VE BEEN LIVING WITH THIS FOR THE LAST THREE YEARS AND I THINK IT'S BEEN A HUGE WEIGHT ON YOUR SHOULDERS AND IT'S GONNA TAKE SOME TRUST

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ON YOUR PART BUT I THINK IF YOU GET THAT OFF YOUR CHEST, YOU...I MEAN IT'S GONNA MAKE A WORLD OF DIFFERENCE IN THE WAY YOU FEEL AND IN WHO YOU SEE IN THE MIRROR EVERY DAY YOU WAKE UP.

MADRID: IT'S NOT GONNA GO AWAY. NO MATTER WHAT, IT'S NOT GONNA AWAY. THAT'S WHY YOU...LIKE MARK'S SAYING, IT'S YOUR CHANCE, YOUR OPPORTUNITY TO GET THIS OFF YOUR CHEST.

AVILA: (SIGHS) (INAUDIBLE) ABOUT THE WHOLE THING, YOU KNOW--

MYERS: JUST TELL US THE TRUTH. JUST TELL US THE TRUTH--

AVILA: --I MEAN YOU GUYS SAYING YOU GUYS HAVE HARD EVIDENCE AND INDISPUTABLE EVIDENCE--

MYERS: --WELL...AND THAT'S WHY I SAY AT THE BASIC LEVEL--

AVILA: ---YEAH---

MYERS: --WE CAN PUT YOU GUYS TOGETHER.

AVILA: ---BUT--

MYERS: AND---

AVILA: --I ALREADY FEEL LIKE I'M ALREADY DEEP IN TROUBLE, YOU KNOW? AND ANYTHING I SAY, AND I HAVE EXPERIENCED IT BEFORE--

MYERS: --I KNOW--

AVILA: --IT GETS ME INTO DEEPER AND DEEPER AND DEEPER IN TROUBLE.

MYERS: --BUT...AND THAT'S WHY I SAY IT'S GONNA TAKE A LEVEL OF TRUST ON YOU. I MEAN WE'RE HERE UM...MAN TO MAN TALKING TO YOU. I'M TELLING YOU, WE DON'T NEED TO BE HERE. AND I BET THE DA'S OFFICE WOULD JUST ASSUME THAT WE WEREN'T HERE. BECAUSE THEN THEY COULD PAINT...THEY COULD PAINT WHATEVER PICTURE THEY WANTED ON YOU...YOU KNOW WHAT I'M SAYING? I MEAN THINK ABOUT IT. IT MAKES SENSE...I MEAN IF WE DON'T HAVE YOUR SIDE OF THE STORY, BUT WE GOT ALL THIS GREAT EVIDENCE, THEY CAN PRETTY MUCH PAINT ANY PICTURE THEY WANT. THE ONLY WAY WE GET YOUR...I MEAN AND YOU'LL SEE. I MEAN THE ONLY WAY YOU GET YOUR SIDE OF THE STORY

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OUT THERE IS...IS RIGHT NOW. AND THAT'S WHAT WE WANT FOR YOU, MAN, BECAUSE I KNOW...I MEAN I WAS LOOKING AT YOUR...YOUR LAST CASE AND LOOKING INTO YOU BACKGROUND A LITTLE BIT AND THAT...I KNOW YOU'RE NOT THE MONSTER THAT...THAT THEY'RE GONNA TRY TO...TO MAKE YOU OUT TO BE. AND I KNOW YOU HAD SOME THINGS GOING ON IN YOUR LIFE WHERE YOU FELT LIKE THE WHOLE WORLD WAS AGAINST YOU. THAT NO ONE COULD UNDERSTAND WHAT YOU WERE GOING THROUGH. THAT NO ONE COULD HELP YOU BECAUSE NO ONE HAS WALKED IN YOUR SHOES AND THAT...YOUR ONLY ESCAPE FROM THAT...I MEAN I...I DON'T KNOW THIS FOR SURE, BUT I WOULD GO OUT ON A LIMB AND SAY THAT YOU WERE PROBABLY DRINKING TOO MUCH--

AVILA: NOT EVEN.

MYERS: ---DRUGS?

AVILA: YEAH, MAYBE SOME COCAINE.

MYERS: AND THAT'S WHAT HAP...I MEAN THAT'S WHAT I'M TRYING TO TELL YOU, I UNDERSTAND WHAT YOU WERE...WHERE YOU WERE AT. THAT'S WHY I'M HERE. AND THAT THE ONLY...I MEAN MAYBE I'M WRONG BUT I ASSUME THAT THE ONLY RELIEF, THE ONLY THING THAT MADE YOU FEEL BETTER WERE UM...KIND OF CRUISING AROUND. KIND OF LOOKING. KIND OF THINKING ABOUT WHAT IT WOULD BE LIKE IF YOUR LIFE WAS DIFFERENT. YOU KNOW WHAT I MEAN? BUT LIKE I SAID, IT'S SO IMPORTANT RIGHT NOW TO GET YOUR SIDE OF THE STORY OUT THERE AND GET THE TRUTH OUT THERE. SO THEY DON'T THINK THIS AWFUL--

AVILA: WELL IF...IF YOU WANT...IF YOU WANT A TRUE HONEST ANSWER, I DIDN'T KILL NOBODY.

MYERS: ---OKAY. OKAY--

AVILA: AND I...AND I CAN TELL YOU THAT, YOU KNOW, FROM ALL MY HEART. I DIDN'T KILL NOBODY.

MYERS: ---OKAY, THEN TELL US WHAT HAPPENED.

AVILA: I DON'T KNOW.

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MYERS: NO, YOU KNOW 'CAUSE YOU WERE THERE.

AVILA: I MEAN...I ONLY CAN TELL YOU WHAT I KNOW. BUT I NEED SOME ADVICE, YOU KNOW. I CAN'T...I JUST...NOT GONNA BE TALKING AND GET MYSELF INTO DEEPER TROUBLE FOR NO REASON---

MYERS: WELL--

AVILA: --AND I CAN'T...AFFORD IT.

MYERS: --YOU CAN'T...I MEAN YOU CAN'T LOOK AT IT THAT WAY. YOU GOTTA LOOK AT IT LIKE YOU'RE KEEPING YOURSELF OUT OF DEEPER TROUBLE. AND I MEAN--

AVILA: THAT'S WHAT I...THAT'S WHAT I FEEL IN MY...IN THIS CASE. THIS IS WHAT I'M HERE. 'CAUSE I STARTED SAYING STUPID THINGS JUST SAYING...(INAUDIBLE) OUT OF MY LIKE FANTASY THINKING AND THEY USED AGAINST...THAT AGAINST ME IN COURT, YOU KNOW.

MYERS: --WELL I'M TELLING YOU RIGHT NOW, I'M NOT GONNA USE...I MEAN THESE ARE YOUR OWN WORDS, YOU KNOW WHAT I'M SAYING? WE'RE ONLY GONNA USE YOUR OWN WORD...I'M NOT GONNA USE WHAT YOU WERE THINKING AGAINST YOU. I'M NOT GONNA USE ANY OF THAT STUFF. I MEAN WE'RE HERE TO GIVE YOU AN OPPORTUNITY TO LET US HEAR YOUR SIDE OF THE...TO HEAR THE TRUTH. YOU KNOW WHAT I'M SAYING? WE'RE NOT TRYING TO...LIKE I SAID I.DON'T...I MEAN LIKE I SAID, WE DON'T NEED TO BE HERE.

AVILA: UM--

MYERS: YOU KNOW, SO--

AVILA: ---I DIDN'T KILL NOBODY.

MYERS: ---OKAY, WELL THEN TELL US WHAT HAPPENED.

AVILA: (CLEAR THROAT)

MYERS: LOOK, MAN, I'M TELLING YOU...YOU'VE LIVED WITH THIS FOR THE LAST THREE YEARS, RIGHT? YOU GET THIS OFF YOUR CHEST, YOU'RE GONNA FEEL BETTER. YOU MAY POINT US IN A DIFFERENT DIRECTION WHERE WE CAN EVEN HELP YOU MORE THAN JUST GETTING YOUR SIDE OF THE STORY OUT THERE. BUT, I MEAN, YOU JUST GOTTA TELL US THE TRUTH. JUST TELL US WHAT HAPPENED THAT NIGHT. BECAUSE I'M GONNA TELL YOU, I MEAN WE'VE GOT

MASTER COPY

YOUR TRUCK. WE'VE GOT THE TIRES...THAT WERE EXCHANGED. WE'VE GOT DNA...YOU KNOW WHAT I'M SAYING? I MEAN...WE NEED (INAUDIBLE). AND YOU NEED TO HELP YOURSELF---

AVILA: WELL YEAH...BUT...HOW...HOW IS THIS GONNA HELP ME? LIKE YOU SAY YEAH--

MYERS: --WELL YOU'RE SAYING RIGHT NOW YOU DIDN'T KILL ANYBODY.

AVILA: ---YEAH, THAT'S WHAT I'M--

MYERS: BUT WE NEED TO KNOW HOW SHE DIED. THAT'S GONNA HELP YOU. THAT'S THE BIGGEST EXAMPLE I CAN GIVE FOR YOU. I MEAN THERE'S A BUNCH OF OTHER STUFF THAT'S GONNA HELP AS WELL ONCE WE HEAR THE ENTIRE TRUTH. WE CAN PUT LITTLE PIECES TOGETHER. AND WE CAN PAINT A PRETTY PICTURE FOR A JURY RIGHT NOW. BUT WE WANT TO MAKE SURE WE HAVE THE TRUTH AND WE WENT TO MAKE SURE THAT WE HAVE YOUR LEVEL OF INVOLVEMENT SO WE CAN TREAT YOU FAIRLY.

MADRID: (INAUDIBLE)

AVILA: NO...I MEAN (INAUDIBLE – MUMBLING)

MADRID: OKAY.

AVILA: THERE WASN'T...THERE WASN'T ANY INVOLVEMENT (INAUDIBLE – MUMBLING)

MADRID: WHO WAS INVOLVED--

AVILA: AS THE...AS A MATTER OF FACT, HE...I THINK HE HASN'T WROTE ME OR ANYTHING BECAUSE (INAUDIBLE – MUMBLING) HE ALWAYS (INAUDIBLE) WANT TO GET IN TROUBLE. AND I KNOW I'M IN TROUBLE FOR THIS.

MADRID: --AND HE'S PROBABLY TRYING TO HELP YOU. IT'S PROBABLY--

AVILA: PROBABLY--

MADRID: --THAT'S A GOOD FRIEND, ACTUALLY.

MYERS: I'D PAY FOR GOOD FRIENDS. SO WE DON'T WANT TO PUT ANYTHING...WE DON'T WANT TO PUT WORDS IN YOUR MOUTH. WE JUST WANT TO HEAR THE TRUTH. I'VE ALWAYS HAD AN OPINION THAT I THINK I'M PRETTY CLOSE TO--

MASTER COPY

AVILA: --OKAY, WELL IF I TALK TO YOU GUYS ABOUT WHAT HAPPENED AND HOW IT HAPPENED, I MEAN...THIS IS GONNA BE PUBLICIZED.

MYERS: --WELL I CAN'T...IT'S GONNA BE PUBLICIZED IRREGARDLESS.

AVILA: RIGHT.

MYERS: SO IF SOMETHING GOES PUBLIC, DON'T YOU WANT YOUR WORDS TO BE PART OF THAT? DON'T YOU WANT--

AVILA: THAT'S WHAT MY POINT--

MYERS: --YOUR SIDE OF THE STORY TO BE PART--

AVILA: --THAT'S MY POINT IS GOING TO, ALRIGHT. I WANT...LIKE YOU SAID I'M...I'M NOT LIKE A MURDERER OR ANYTHING LIKE THAT. SO...AND I KNOW YOU GUYS ARE SAYING EVERYTHING IS LINKING ME INTO IT, RIGHT...DA, JURY...I EXPERIENCED THAT ALREADY, YOU KNOW. THEY'RE ALL GONNA GO AGAINST ME.

MYERS: --WELL BUT...NOT NECESSARILY. I DON'T KNOW IF...I MEAN LIKE I SAID I DON'T KNOW WHO WAS INVOLVED BUT YOU'RE AT...WHEN YOU (INAUDIBLE) THE SYSTEM THE FIRST TIME, YOU WERE AT A MUCH LOWER LEVEL UM...I MEAN I DON'T...WITHOUT CRITICIZING ANYBODY, OKAY? YOU WERE JUST AT A LOWER LEVEL. YOU HAD DIFFERENT DETECTIVES. DIFFERENT DA'S. LESS EXPERIENCE--

AVILA: I KNOW. THAT'S WHAT SCARES ME.

MYERS: ---BUT--

AVILA: THAT'S WHAT SCARES...'CAUSE SHE WAS LIKE A SLOW, LOW LEVEL AND I GOT SO SCREWED UP.

MYERS: --I UNDERSTAND THAT. BUT WHAT I'M SAYING IS THERE'S SO MUCH MORE ATTENTION TO GET THIS THING RIGHT THIS TIME. BECAUSE THE CONSEQUENCES ARE...ARE...THEY'RE JUST DIFFERENT. AND SO WE WANT TO TAKE EVERY STEP WE CAN TO MAKE SURE THAT YOU DON'T GET SCREWED UP THIS TIME. BUT THINGS HAPPEN FAIRLY. DOES THAT MAKE SENSE TO YOU? I MEAN WE'RE NOT HERE...LIKE I SAID, IF...IF THAT WERE THE CASE, I WOULDN'T BE HERE. YOU...THE...THE CORRECTIONS

MASTER COPY

DEPARTMENT WOULD HAVE GOT A WARRANT SERVED BY A MARSHAL SAYING HEY LOOK, RECLASSIFY THIS GUY. WE'RE GONNA CHARGE HIM WITH MURDER AND THIS IS WHAT HE'S CHARGED WITH. WE'RE TAKING THE EXTRA STEP--

AVILA: WELL SEE THE--

MYERS: --TO MAKE SURE THAT--

AVILA: --I DON'T EVEN KNOW THE NAME OF THE GUY.

MYERS: --OKAY, WELL TELL US WHAT YOU KNOW--

MADRID: FROM THE BEGINNING, TELL US HOW YOU--

AVILA: I DON'T EVEN KNOW THE NAME OF THE GUY AND I'M NOT SAYING THAT...THAT I'M TRYING TO (INAUDIBLE) BECAUSE THIS IS...THIS IS MY LIFE ON THE LINE.

MYERS: --EXACTLY.

MADRID: ---SURE.

MYERS: AND THAT'S WHY IT'S IMPORTANT. START FROM THE BEGINNING. TAKE US THROUGH WHAT HAPPENED TO THE VERY END AND THEN WE'LL...WE'LL GO FROM THERE. WE'LL TAKE THE NEXT STEP.

AVILA: AY...IT'S SO HARD.

MYERS: I KNOW IT'S HARD, MAN. BUT I'M TELLING YOU...AS LONG AS...AS MANY YEARS...ALMOST 40 YEARS BETWEEN US WE'VE BEEN DOING THIS--

AVILA: AND I--

MYERS: ---YOU'RE GONNA FEEL BETTER--

AVILA: ---I WANT TO KNOW A GUARANTEE. SEE PRISON LIFE IS DIFFERENT.

MADRID: IT IS.

MASTER COPY

MYERS: IT IS.

AVILA: THAT'S WHY I DON'T...AS SOON AS...AS SOON AS IT BECOMES PUBLICIZED, THEY'RE GONNA THINK, YOU KNOW, THIS GUY...SOMEBODY'S GONNA TRY AND KILL ME.

MYERS: ---WELL I WOULDN'T...I WOULDN'T GO THAT FAR. I WOULDN'T---

AVILA: WELL---

MYERS: ---BECAUSE LOOK...I MEAN I'VE BEEN AROUND THE PRISON SYSTEM AS LONG AS---

AVILA: ---WELL YOU NEVER LIVED IN HERE.

MYERS: ---I'VE NEVER LIVED IN HERE. BUT LET ME TELL YOU SOMETHING, I HAVE TALKED TO, I'VE EXPERIENCED...I HAVE EXPERIENCE WITH PEOPLE THAT HAVE SPENT, YOU KNOW, 40, 50, 60 YEARS IN HERE. AND IF IT'S PUBLICIZED AND YOU DIDN'T DO IT, WELL THEN...YOU KNOW IT'S JUST WE CAN'T...WE GOTTA CROSS THAT BRIDGE. HOW WE'RE GONNA...HOW WE'RE GONNA COME TO THAT, WHEN WE GET...YOU KNOW WHAT I'M SAYING? YOU CAN'T SPECULATE. YOU CAN'T GUESS HOW THINGS ARE GONNA TURN OUT---

AVILA: BUT---

MYERS: ---BUT YOU'RE HERE NOW. I MEAN YOU'RE LIVING IT.

AVILA: ---YEAH.

MYERS: SO--

AVILA: BECAUSE HERE...EVEN IF YOU SEE SOMEBODY THAT TRIED TO...TO RAPE SOMEBODY LIKE A LITTLE KID, OH KNOW YOU DON'T EVEN COME TO OUR--

MYERS: ---RIGHT. BUT THIS ISN'T A LITTLE KID.

AVILA: ---I KNOW. EVEN...EVEN...I MEAN WHAT YOU'RE SAYING SHE WAS VERY...YOU KNOW, SHE WAS GOOD, SHE WAS THAT...I MEAN...DAMN.

MYERS: WELL I UNDERSTAND THAT BUT...SO WHAT STORY DO YOU WANT TO BE PUBLICIZED? THE TRUTH? OR THIS...THEM THROWING THE BOOK AT YOU AS THE ONE WHO DID THIS?

AVILA: YEAH, THEY...I...I MEAN I'LL...I'LL TELL YOU WHAT HAPPENED. HOW IT HAPPENED, IF I GET SOME GUARANTEE I'M GONNA BE SAVED IN HERE.

MYERS: OKAY, WELL AS SOON AS WE GET DONE, I WILL HAVE THE ASSOCIATE WARDEN COME IN AND EXPLAIN TO YOU HOW THEY'LL KEEP YOU...THEY'LL KEEP YOU SAFE.

AVILA: UM---

MADRID: WOULD THAT WORK? GET THE WARDEN AND ASSOCIATE WARDEN HERE?

MYERS: I MEAN WE'VE BEEN DOING THIS A LONG TIME. I KNOW I CAN KEEP YOU SAFE. AND I'LL...AND WE'LL EXPLAIN THAT PROCESS TO YOU. EITHER WAY, I MEAN WE HAVE TO DO THAT EITHER WAY, WHETHER YOU TALK TO US OR NOT. WE GOT TO MAKE...WE HAVE AN OBLIGATION TO MAKE SURE YOU'RE SAFE. AND I GIVE YOU MY WORD WE'LL...WE WILL DO THAT.

MADRID: LET ME ASK YOU RIGHT NOW, THEY WON'T KNOW WHY WE'RE HERE. THEY JUST KNOW WE NEED TO TALK TO YOU. THEY HAVE ANY IDEA WHY WE'RE HERE TALKING TO YOU.

AVILA: ---YEAH, I BET THEY DON'T KNOW.

MADRID: NO, THEY DON'T.

MYERS: BUT YOU GOT TO PUT A LITTLE FAITH IN US. YOU GOT TO PUT A LITTLE TRUST IN US 'CAUSE...AND WE WILL GET YOU THROUGH THIS. AND WE WILL MAKE SURE YOU'RE SAFE...AFTERWARDS.

AVILA: WELL ROUGHLY...DAMN, MAN.

MYERS: I KNOW IT'S HARD, MAN. BUT JUST...JUST OPEN UP AND YOU'LL SEE THAT IT'S GONNA WORK OUT.

AVILA: YOU SEE I...I MEAN LIKE...WHAT IF I TELL YOU WHAT HAPPENED AND HOW HAPPENED...I DON'T KNOW...I DON'T KNOW THE GUY'S NAME. I MEAN I MIGHT KNOW I...A LITTLE, YOU KNOW, OF WHAT...FROM WHAT I REMEMBER HOW HE LOOKED LIKE.

MYERS: OKAY.

AVILA: YOU KNOW AND WHAT HE WAS DRIVING. BUT THAT'S ABOUT IT.

MASTER COPY

MYERS: OKAY, WELL LOOK AT IT...I MEAN THAT'S...WHAT WE BROUGHT IS ONLY A PORTION OF THE INVESTIGATION. WITH WHAT YOU TELL US, WE CAN GIVE THEM (INAUDIBLE) AND SAY HEY, WOW OKAY THAT'S...THIS VEHICLE AND THAT FITS THIS GUY'S DESCRIPTION, LET'S GO GET HIM. THAT'S WHY I'M SAYING THE TRUTH RIGHT NOW IS SO IMPORTANT. YOU JUST GOTTA HAVE FAITH, OPEN UP IN US...OPEN UP TO US AND LET US HELP YOU.

AVILA: WELL...AND THEN MY FAMILY TOO, YOU KNOW. (INAUDIBLE)

MYERS: WELL I'M GONNA TAKE YOU BACK. WHICH VERSION DO YOU WANT THEM TO HEAR? THE DA'S OFFICE VERSION OR YOUR VERSION? 'CAUSE THEY'RE GONNA HEAR SOMETHING. YOU KNOW, LET IT BE YOUR VERSION. LET US HELP YOU GET YOUR SIDE OF THE STORY OUT. AND HELP US, YOU KNOW, (INAUDIBLE)

AVILA: YEAH (INAUDIBLE) TALKING ABOUT HERE LIKE...I'LL TALK TO YOU. I....I....GOT THINGS TO SAY, YOU KNOW.

MYERS: OKAY.

AVILA: I MEAN...I KNOW YOU'RE INVESTIGATOR, YOU'RE (INAUDIBLE) ALRIGHT. YOU KNOW I...I'M GONNA SAY WHAT I KNOW.

MYERS: OKAY.

AVILA: I'M GONNA SAY WHAT I KNOW. FROM THE BOTTOM OF MY HEART. YOU KNOW, GOD HELP ME.

MADRID: THAT'S...THAT'S ALL WE WANT. THE TRUTH. LIKE MARK SAID, THAT'S ALL WE WANT.

AVILA: SO...HOW...HOW CAN YOU GUYS KEEP MY FAMILY SAFE...MY WIFE AND MY TWO KIDS.

MYERS: HOW CAN WE KEEP THEM SAFE?

AVILA: YEAH.

MYERS: WELL WHAT ARE YOU CONCERNS?

AVILA: THEY GET HARMED.

MASTER COPY

MYERS: BY?

AVILA: BY THIS GUY.

MYERS: OKAY, WELL--

AVILA: (INAUDIBLE)

MYERS: ---IMMEDIATELY WE'LL--

AVILA: ---IT'S KIND OF COMPLICATED. IT IS...IT IS COMPLICATED AND---

MYERS: ---ALL...ALL I CAN DO IS TELL YOU THAT WE WILL KEEP THEM SAFE. UNTIL YOU TELL ME WHAT YOU KNOW, I WON'T BE IN A POSITION TO TELL YOU EXACTLY WHAT MEASURES WE'RE GONNA TAKE. BUT I GIVE YOU MY WORD, YOUR FAMILY WILL BE PROTECTED AND THEY'LL BE SAFE.

MADRID: YOU GOTTA TRUST US. THAT'S THE BOTTOM LINE. I KNOW IT MIGHT BE HARD FOR YOU BUT YOU HAVE TO TRUST US THAT WE'RE GONNA DO THAT FOR YOU.

AVILA: (INAUDIBLE – MUMBLING) WELL YOU CAN WRITE IT DOWN AND...THAT NIGHT...I DON'T EVEN REMEMBER WHEN IT WAS...WHAT DAY IT WAS--

MYERS: JUST...YOU TELL US AND THEN WE'LL ASK YOU SOME SPECIFIC QUESTIONS. JUST GO THROUGH EXACTLY WHAT HAPPENED.

AVILA: ---THAT NIGHT...THAT DAY MY WIFE WENT...NO...MORE LIKE A DAY BEFORE. SHE WENT TO DEMING. SHE WENT TO DEMING TO VISIT HER PARENTS. AND I STAYED HERE IN LAS CRUCES. THE REASON WHY IS BECAUSE MY WORK PERMIT HAD EXPIRED AND I COULDN'T CROSS AT THAT CHECKPOINT.

MYERS: OKAY.

AVILA: ALRIGHT. I COULDN'T CROSS THE CHECKPOINT SO SHE SAID SHE'LL...SHE'LL GO BY HERSELF AND THEN SHE'LL COME BACK. AND...AND...AND (INAUDIBLE) I WAS STILL LEGALLY HER, THE ONLY THING IS THAT INS---

MADRID: YEAH.

AVILA: ---WASN'T RENEWING MY WORK PERMIT AND DENIED (INAUDIBLE) ON MY RESIDENTS.

MASTER COPY

MADRID: OKAY.

AVILA: SO I STAYED HERE. I WENT TO WORK. CAME BACK. SATURDAY, I WAS HOME ALL DAY. I CAN'T REMEMBER I WAS WORKING IN THE...ON THE BACK YARD OR SOMETHING LIKE THAT. AND UH...AND I HAD DECIDED I'D GO TO GRAHAM'S...GRAHAM CENTRAL STATION AND UH...I MET THIS GUY THERE (INAUDIBLE) AND HE OFFERED...HE OFFERED ME SOME COKE TO SNORT. SO WE WENT TO THE BATHROOM AND WE DID OUR THING. AND HE TOLD ME, "WELL WE CAN GET SOME MORE." AND I TOLD HIM "I'M GONNA STAY HERE. I'M GONNA WAIT UNTIL WE'RE ALL DONE AND EVERYTHING. AND THEN I'LL GO HOME." AND THEN UH...HE INSISTED. I WAS, YOU KNOW, A LITTLE DRINKING A FEW BEERS AND I SAID "WELL ALRIGHT WELL LET'S GO." AND I WAS FOLLOWING HIM AND HE HAD A MUSTANG...(INAUDIBLE) IT WAS A SILVER MUSTANG. I DON'T KNOW THE LICENSE PLATE. UH...I'M FOLLOWING HIM ALL THE WAY TO MOUNTAIN VIEW HOSPITAL. AND UH...WHEN IT LOOKED LIKE HE WAS MAKING THE TURN TO ROADRUNNER I, YOU KNOW, I PUT THE HIGH LIGHTS AND I TOLD HIM "HEY, WELL WHERE ARE WE GOING?" YOU KNOW, I'M ALREADY PASSED MY HOUSE. I TOLD HIM, "I THOUGHT IT WAS GONNA BE CLOSE." AND LIKE "NO, NO IT'S JUST A FEW...IT'S JUST RIGHT HERE." ALRIGHT, SO I KEEP FOLLOWING HIM AND UH...I DON'T REMEMBER EXACTLY WHERE HE STOPPED AND I STOPPED RIGHT BEHIND HIM AND HE SAID "JUST HOLD ON." I SAID "ALRIGHT." SO I LEANED ON MY...ON MY SEAT AND I WAS BUMPING TO THE RADIO. AND UH...HE WENT IN AND HE WENT OUT AND THAT'S WHEN I TOLD HIM "WHAT'S UP?" HE'S LIKE "WELL I...THEY DON'T HAVE IT HERE. JUST...JUST HOLD ON. JUST CHILL." I SAID (INAUDIBLE) UM...I WAS ABOUT TO GO AND HE TELLS ME "DON'T GO. DON'T GO. DON'T GO. YOU KNOW, WE'LL BRING SOME...SOME PEOPLE. WE'LL HAVE A PARTY. YOU KNOW, JUST...JUST CHILL. LET ME JUST GO GET THEM." I SAID "ALRIGHT." SO...YOU SEE I NEVER PARTIED MUCH BEFORE (INAUDIBLE) I MET MY WIFE IN JUAREZ. YOU KNOW, WE'D GO TO THE CLUB AND THINGS LIKE THAT. BUT I WASN'T NEVER LIKE A HARD PARTIER OR NOTHING. SO ANYWAYS, I TELL HIM "ALRIGHT, BRO. SURE, YOU KNOW, LET'S PARTY." HE'S GONNA BRING SOME MORE PEOPLE WHATEVER, YOU KNOW. AND HE'S GONNA BRING SOME...SOMETHING TO SNORT. AND HE WENT. HE GOT IN HIS CAR AND TOOK OFF. AND CAME BACK WITH THIS GIRL. AND UH...SHE WAS WASTED LIKE...LIKE WASTED. AND (INAUDIBLE) FOR ME BUT I MEAN I, YOU KNOW...HE TOLD ME "COME HERE." YOU KNOW LIKE, I SAID "SO WHAT'S UP, YOU GOT IT? AND HE'S LIKE "YEAH." SO WE DID IT ON TOP OF THE...OF THE DASHBOARD IN HIS CAR. WE SNORTED. AND UM...AND I GO "SHE'S A PRETTY

MASTER COPY

CHICK." AND HE SAYS "YEAH." (INAUDIBLE) "NO, NO MORE PEOPLE'S COMING IN. MORE PEOPLE'S COMING IN." I SAID "I WANT TO LEAVE. LET'S GO ALREADY, YOU KNOW, I'M...I'M GOING." HE'S ALL "NO, NO, NO. YOU CAN SEX WITH HER IF YOU WANT. SHE'S...SHE'S ALL WASTED." AND...YOU KNOW, I WAS...I WAS HIGH AND SO I DID. I HAD...I HAD SEX WITH HER. AND UH...BUT SHE DIDN'T KNOW NOTHING ABOUT IT, YOU KNOW. SHE WAS JUST WASTED...IN...IN THE BACK OF THAT CAR. UH...ANYWAY, THE NEXT THING, HE GOES "WELL I DON'T KNOW THIS GIRL, YOU KNOW, I JUST PICKED HER UP." I TOLD HIM "WHAT DO YOU MEAN YOU JUST PICKED HER UP? THERE'S NOBODY AROUND THIS NEIGHBORHOOD. IT'S ALL QUIET." HE GOES "I JUST DID." AND (INAUDIBLE) "I DON'T KNOW...I DON'T KNOW WHAT TO DO." HE TOLD ME WHAT HE WAS...WHAT HE WAS GONNA DO AND I SAID "I DON'T KNOW. I DON'T KNOW HOW THIS...THIS IS CRAZY." SO HE GETS BACK IN THE BACK OF THE CAR AND HE STRANGLED HER. AND THEN I WAS JUST SHAKING. AND HE TOLD ME "LET'S GO." I SAID "WHERE?" "LET'S PUT HER IN THE BACK OF THE TRUCK." I SAID "MAN, I DON'T KNOW. I'M...I'M...(INAUDIBLE) I DON'T KNOW. I DON'T KNOW." AND HE'S LIKE "LET'S GO, DUDE. LET'S GO." AND THEN HE PULLED THE GUN ON ME. AND HE TELLS ME "GIVE ME YOUR...GIVE ME YOUR WALLET." AND THEN HE TAKES MY DRIVER'S LICENSE AND WRITES IT DOWN; WRITES EVERYTHING. SO WE GET THE GIRL AND PUT HER IN THE BACK OF MY TRUCK. AND WE DROVE...HE TOLD ME WHERE TO...WHERE TO DRIVE AND...AND THEN WE DUMPED HER. AND I GOT IN THE TRUCK AND...AND I TOLD HIM "LET'S GO." AND HE'S LIKE "NO, HOLD ON. HOLD ON." AND HE LIT HER ON FIRE. AND THEN I DROPPED HIM OFF. HE TOLD ME "IF YOU SAY SOMETHING ABOUT THIS, I (INAUDIBLE)" THAT'S WHY I'M CONCERNED ABOUT (INAUDIBLE).

MYERS: NOW, WHERE...DO YOU REMEMBER MORE OR LESS WHERE YOU WERE WHEN HE PICKED HER UP?

AVILA: HE WAS BY SONOMA...SONOMA RANCH. I DON'T KNOW, WE PASSED THE ENTRANCE TO SONOMA RANCH.

MYERS: WHERE...WHERE DID HE FIND HER?

AVILA: AROUND THAT NEIGHBORHOOD. BECAUSE WE...HE...WHENEVER I WAS FOLLOWING HIM, HE...HE TOOK A LEFT RIGHT...I MEAN A LEFT TURN AND IT'S KIND OF...KIND OF, YOU KNOW, (INAUDIBLE) JUST A NEIGHBORHOOD I GUESS. I DON'T EXACTLY KNOW. AND THEN HE TOOK OFF TO GET THE OTHER PEOPLE...OR THE COKE, WHATEVER. AND THEN THAT'S WHEN HE...HE BROUGHT HER. I DON'T KNOW WHERE HE GOT HER FROM.

MASTER COPY

MYERS: OKAY, DID HE HAVE SEX WITH HER?

AVILA: NO, HE DIDN'T.

MYERS: HUH?

AVILA: HE DIDN'T.

MYERS: WELL WHY WOULD HE BE WORRIED ABOUT...WHY WOULD HE WANT TO KILL HER?

AVILA: I DON'T KNOW.

MYERS: THERE'S NOTHING LINKING HIM TO HER.

AVILA: I DON'T KNOW. I FREAKED OUT AND--

MYERS: OH, I UNDERSTAND. HOW WASTED WOULD YOU SAY SHE WAS? WAS SHE TOTALLY UNCONSCIOUS?

AVILA: ---NO.

MYERS: SO SHE COULD HAVE--

AVILA: WELL YOU COULD HEAR "AH, AH..." GOING LIKE THAT.

MYERS: ---YEAH, BUT SHE WASN'T FIGHTING OR--

AVILA: SHE WASN'T FIGHTING WITH ME.

MYERS: ---ALRIGHT. YOU'RE DOING GOOD, MAN. YOU'RE DOING GOOD. I'M GONNA TAKE YOU BACK A LITTLE BIT TO HOW WE TALKED ABOUT ACCEPTANCE AND RESPONSIBILITY AND--

AVILA: I KNEW I...I SHOULD HAVE SAID SOMETHING BEFORE. I DON'T KNOW. I WAS SCARED.

MYERS: ---NO. I UNDERSTAND. UM...BUT I ALSO KNOW SOMETIMES WHEN PEOPLE DO THINGS THAT AREN'T RIGHT OR BAD OR SOMETHING, THEY FEEL A LITTLE GUILTY ABOUT...IT'S HARD FOR PEOPLE TO ADMIT TO THEMSELVES WHAT THEY'VE DONE SOMETIMES, OKAY? AND...AND I BELIEVE YOU TO A CERTAIN POINT. BUT I'M NOT SO SURE THAT I BELIEVE THAT THERE WAS THIS OTHER MYSTERY GUY THERE, DUDE. YOU KNOW WHAT I'M SAYING? BECAUSE THERE'S ABSOLUTELY NOTHING THAT...I MEAN IF...IF THERE WAS

MASTER COPY

THAT MUCH CONTACT WITH ANOTHER PERSON, WE WOULD HAVE FOUND THAT WHEN THEY DID THE AUTOPSY AND WHEN THEY DID ALL THAT STUFF. YOU KNOW WHAT I'M SAYING? SO I THINK...I THINK YOU JUST NEED TO...TO JUST GET OVER THE HUMP AND...AND TELL US. I THINK YOU WERE DRIVING AROUND THE NEIGHBORHOOD AND YOU FOUND HER AND STUFF HAPPENED SIMILAR TO THAT. BUT YOU LOST CONTROL AND...AND WE KNOW THAT SHE WAS FIGHTING. SHE WASN'T PASSED OUT TO THE POINT WHERE SHE JUST COULDN'T DEFEND HERSELF. WE KNOW SHE FOUGHT IT. AND...AND I THINK THAT'S WHY THINGS ESCALATED. I...I THINK THAT IF...IF SHE WOULDN'T HAVE, THEN YOU WOULD HAVE JUST PROBABLY LET HER GO. AND I DON'T THINK YOU EVER MEANT TO HURT HER--

AVILA: NO, I DIDN'T.

MYERS: ---BUT I THINK DURING YOUR ACTIONS, THAT SHE ENDED UP BEING DEAD AND, YOU KNOW. BECAUSE WE KNOW THERE'S NOBODY ELSE THERE. WELL AT LEAST NOT ANOTHER WHITE GUY THERE...NOT A WHITE GUY THERE.

AVILA: (INAUDIBLE) WHITE PEOPLE--

MYERS: NO, NO, NO, NO...I'M JUST SAYING FROM THE EVIDENCE--

AVILA: --OH--

MYERS: ---I MEAN, THAT WE RECOVERED. SO I MEAN YOU'RE RIGHT THERE. AND YOU'VE GOT THIS MUCH OUT--

AVILA: ---WELL (INAUDIBLE) I TOLD YOU. I TOLD YOU EXACTLY WHAT HAPPENED. WHETHER HE HAD SEX WITH HER OR NOT, I DIDN'T SEE IT. NOT...NOT IN MY PRESENCE. I REMEMBER THAT.

MYERS: --UH-HUH.

AVILA: NOT IN MY PRESENCE.

MYERS: WELL WHAT I'M TELLING YOU IS WE ALSO KNOW WHERE THE ASSAULT TOOK PLACE. IT DIDN'T HAPPEN IN THE CAR.

AVILA: (MUMBLING)

MYERS: SO I MEAN...I MEAN YOU'RE SO CLOSE. BUT WHAT YOU CAN'T NOT AFFORD TO COME OUT OF THIS INTERVIEW AS PEOPLE THINKING YOU'RE LYING.

MASTER COPY

AVILA: WELL I'M NOT LYING. (INAUDIBLE) I KNOW I...LIKE YOU SAID, AT THE BEGINNING, I COULD HAVE A LAWYER, YOU KNOW, REPRESENTING ME OR, YOU KNOW, HAVE HIM...MAYBE NOT SAY ANYTHING.

MYERS: (INAUDIBLE) I KNOW YOU'RE---

AVILA: (INAUDIBLE)

MYERS: ---THE RIGHT THING.

AVILA: I DON'T KNOW WHAT ELSE TO TELL YOU, YOU KNOW, WHETHER YOU BELIEVE ME OR NOT.

MYERS: DO YOU WANT TO LISTEN TO SOME OF THE...DO YOU WANT ME TO TALK TO YOU A LITTLE BIT ABOUT SOME OF THE EVIDENCE WE HAVE?

AVILA: SURE (INAUDIBLE)

MYERS: WELL LET ME ASK YOU THIS, AFTER YOU...YOU DUMPED HER, DID YOU GUYS TAKE ANYTHING FROM HER? OR---

AVILA: HE TOOK UM...JEWELRY AND (INAUDIBLE)

MYERS: ---DID YOU KEEP ANY OF THAT STUFF?

AVILA: HUH-UH.

MYERS: NO? OKAY, HOW DID YOU FIND THE PLACE THAT YOU...THAT YOU DROPPED HER--

AVILA: WELL HE TOLD ME TO DRIVE OFF UM...BY THE END OF LOHMAN AND I JUST FOLLOWED (INAUDIBLE)

MYERS: ---WHAT DID HE USE TO LIGHT HER ON FIRE?

AVILA: HE HAD UM...A LIGHTER AND A BOTTLE BUT I DON'T KNOW WHAT. (INAUDIBLE) ALCOHOL.

MYERS: BUT YOU WERE IN YOUR TRUCK THOUGH, RIGHT?

AVILA: WELL...I HELPED HER...I HELPED HIM PUT HER DOWN AND I GOT BACK IN THE TRUCK. AND THEN HE WAS GONNA GET BACK IN THE TRUCK AND HE GOES "HOLD ON. HOLD ON." AND HE---

MASTER COPY

MYERS: DID HE GET WHAT HE USED FROM YOUR TRUCK?

AVILA: ---NO.

MYERS: SO HE HAD WHATEVER IT WAS WITH HIM?

AVILA: (NO ANSWER HEARD)

MYERS: WHAT...WHAT DID YOU TALK ABOUT AFTER YOU DUMPED HER?

AVILA: I WAS JUST FREAKED OUT AND HE TOLD ME "YOU SHOULD NOT SAY ANYTHING." (INAUDIBLE) "YOU SHOULD NOT SAY ANYTHING."

MYERS: DID HE EVER EXPLAIN TO YOU WHY...SEE I'M STILL HAVING TROUBLE GRASPING, I MEAN...HE CAN'T BE LINKED TO HER. HE DIDN'T HAVE SEX WITH HER. YOU KNOW, I DON'T UNDERSTAND WHAT THE MOTIVE HE WOULD HAVE FOR KILLING HER---

AVILA: (INAUDIBLE)

MADRID: THE HOUSE THAT YOU STOPPED AT (INAUDIBLE) STOPPED AT, THAT HE WENT IN, DID HE GO INSIDE THE HOUSE?

AVILA: WELL ACTUALLY HE WENT THROUGH THE SIDE...THROUGH THE SIDE OF THE HOUSE.

MADRID: WAS THERE A PARTY GOING ON THERE?

AVILA: THE LIGHTS WERE OUT...WERE ON BUT I DON'T KNOW IF THERE WAS A PARTY. HE TOLD ME THAT WE WERE GONNA PARTY THERE. BUT I DON'T KNOW IF HE WOULD. ACTUALLY I NEVER WENT INSIDE SO I DON'T KNOW IF THERE WAS A PARTY IN THERE---

MADRID: BUT HE (INAUDIBLE) SCORING COCAINE THERE?

AVILA: —HUH-UH.

MADRID: AND HE TOOK OFF AND TOLD YOU TO WAIT THERE.

AVILA: HE TOLD ME "JUST HOLD...HOLD ON, YOU KNOW. I'M GONNA CALL SOME PEOPLE. WE'RE GONNA HAVE A PARTY HERE. JUST CHILL OUT."

MADRID: SO---

MASTER COPY

AVILA: (INAUDIBLE)

MADRID: --HOW LONG WAS HE GONE? HE TOLD YOU TO STAY THERE RIGHT?

AVILA: FOR ABOUT 10, 15 MINUTES.

MADRID: HE COMES BACK TO WHERE YOU'RE AT WITH THE GIRL IN THE CAR, RIGHT? NO ONE ELSE SHOWS UP?

AVILA: HUH-UH.

MADRID: SO IT'S YOU--

AVILA: BUT...BUT HE HAD THE COCAINE (INAUDIBLE)

MADRID: ---HOW MUCH COCAINE DID HE HAVE?

AVILA: A COUPLE OF (INAUDIBLE)

MADRID: SO JUST THE GIRL--

AVILA: AND HIM.

MADRID: --AND YOU. AND SHE'S IN THE BACK SEAT PASSED OUT?

AVILA: UH-HUH.

MADRID: DO YOU REMEMBER WHAT SHE WAS WEARING?

AVILA: I CAN'T...I DON'T KNOW...I CAN'T REMEMBER OFF HAND.

MADRID: DID SHE...DESCRIBE THE GIRL TO ME. WHAT DID SHE LOOK LIKE?

AVILA: SHE WAS WHITE. HAD SHORT HAIR I THINK.

MADRID: A WHITE GIRL? HOW SHORT WAS HER HAIR DO YOU THINK?

AVILA: UM...MAYBE ABOUT TO HER, HER SHOULDER.

MADRID: (INAUDIBLE) HER SHOULDER?

AVILA: (INAUDIBLE)

MADRID: DO YOU KNOW WHAT COLOR...WHAT COLOR OF TOP WAS SHE WEARING, DO YOU REMEMBER?

MASTER COPY

AVILA: NO (INAUDIBLE) BUT IT WAS KIND OF LIKE A TIGHT BLOUSE OR SOMETHING LIKE THAT.

MADRID: IT WAS TIGHT TO HER...TO HER SKIN?

AVILA: YEAH.

MADRID: TIGHT FITTING?

MYERS: DO YOU REMEMBER THE TYPE OF SEX YOU HAD WITH HER? LIKE WHAT DID YOU DO OR--

AVILA: NO, I JUST GOT ON TOP OF HER AND THAT WAS IT.

MYERS: JUST...DID YOU...I MEAN LIKE WHERE DID YOU HAVE SEX WITH HER? WHAT PART OF HER BODY...HER VAGINA?

AVILA: YES---

MYERS: HER BEHIND OR...YOU CAN'T TELL ME WHAT (INAUDIBLE)

AVILA: ---NO, 'CAUSE (INAUDIBLE)

MYERS: DID YOU EVER PENETRATE HER ANALLY...HER BEHIND?

AVILA: I MIGHT HAVE...PROBABLY.

MADRID: WAS SHE...(INAUDIBLE) OR DID YOU HAVE TO TAKE HER CLOTHES OFF FOR HER?

AVILA: I JUST UNDO HER PANTS AND THAT'S IT.

MADRID: DID YOU PULL THEM DOWN?

AVILA: UH-HUH.

MADRID: ALL THE WAY OFF COMPLETELY?

AVILA: NO, I LEFT HER (INAUDIBLE) ON ONE LEG.

MADRID: OH, YOU GOT ONE LEG ON, THE OTHER ONE OFF?

AVILA: (NO ANSWER HEARD)

MADRID: YEAH?

MASTER COPY

MYERS: NOW HOW DID YOU GET HER OUT OF THE...THE BACK OF THE TRUCK?

AVILA: WELL WE PUT HER IN THE TRUCK AND THEN WE GOT HER OUT.

MYERS: RIGHT. BUT HOW DID YOU GET HER IN, FIRST OF ALL?

AVILA: WE...WE PULLED THE SEAT AND I...AND I HOLD HER AND...UNDER HER ARMS AND HE WAS HOLDING HER LEGS. AND WE JUST PUT HER ON THE TRUCK.

MADRID: ON THE BACK OF THE BED OF THE TRUCK?

AVILA: YEAH.

MYERS: AND HOW DID YOU GET HER OUT?

AVILA: WELL I STARTED TO PULL AND HE'S ALL "HOLD ON. HOLD ON." AND THEN HE PULLED HER AND GOT HER UM...PANTS OFF AND HE FINALLY GOT IT RIGHT AND HE PUT HER DOWN.

MYERS: DO YOU REMEMBER HOW SHE WAS? WAS SHE FACE UP? FACE DOWN? ON HER SIDE? DO YOU REMEMBER?

AVILA: WELL IN THE VERY LIKE IN THE (INAUDIBLE), I REMEMBER SHE WAS FACING UP.

MADRID: THIS WAS WHEN YOU TAKE HER OFF THE TRUCK TO THE GROUND?

AVILA: YEAH...I REMEMBER WHENEVER I...I PUT HER ON THE GROUND, SHE WAS FACING UP.

MYERS: OKAY, DID YOU EVER SEE THAT GUY AGAIN?

AVILA: HUH-UH.

MYERS: HAD YOU EVER SEEN HIM BEFORE?

AVILA: NO, JUST AT GRAHAM'S THAT NIGHT.

MADRID: WAS HE A YOUNGER GUY? OLDER GUY?

AVILA: (INAUDIBLE) I'D SAY ABOUT 20...28, 26.

MYERS: WHAT ABOUT---

MASTER COPY

AVILA: JUST ABOUT MY HEIGHT.

MYERS: ---OKAY HOW ABOUT, WAS HE A BIG, STRONG MUSCULAR GUY---

AVILA: KIND OF YEAH, STOCKY.

MYERS: --KIND OF YOUR BUILD?

AVILA: WELL MORE MUSCLE...MORE MUSCLE.

MYERS: MORE MUSCLE. DO YOU REMEMBER WHAT KIND OF GUN HE HAD?

AVILA: UM...IT WAS...IT WASN'T A REVOLVER. I...I DON'T KNOW MUCH ABOUT GUNS.

MYERS: BUT IT WASN'T A REVOLVER?

AVILA: IT WASN'T A REVOLVER.

MYERS: ALRIGHT, AND...I'M JUST...ARE YOU ABSOLUTELY SURE YOU'RE TELLING US THE TRUTH?

AVILA: UH-HUH (INAUDIBLE) LIKE I SAID, I...I OPENED MY MOUTH, YOU KNOW, BEFORE AND THAT'S WHAT GOT ME IN HERE NINE YEARS (INAUDIBLE). I OPENED MY MOUTH--

MYERS: WELL, AND I UNDERSTAND--

AVILA: -(INAUDIBLE)

MYERS: --THAT THIS IS A DIFFERENT...THIS IS A WHOLE--

AVILA: ---THEY DIVERT IT AGAINST ME.

MYERS: --YEAH, BUT THIS IS A WHOLE DIFFERENT THING, OKAY?

AVILA: (INAUDIBLE)

MYERS: AND THERE'S NOT...I MEAN, THE WAY THE LAW LOOKS AT IT, AND THE WAY YOU KIND OF LAID IT OUT TO US, THERE'S NOT...I MEAN, A HUGE DIFFERENCE BETWEEN WHETHER...RIGHT AT THIS POINT, WHETHER YOU KILLED HER YOURSELF OR JUST SAT BACK AND WATCHED HIM DO IT. DO YOU UNDERSTAND?

AVILA: (MUMBLING)

MASTER COPY

MYERS: SO IF...AND I'M NOT SAYING YOU'RE LYING, OKAY? SO DON'T...DON'T THINK I'M JUDGING YOU OR CALLING YOU A LIAR, BUT I WANT YOU TO RATIONALIZE THIS...THE LAWS NOT GONNA MAKE THAT MUCH OF A DIFFERENCE BETWEEN THOSE TWO THINGS. SO IF YOU'RE JUST SITTING THERE UM...THINKING THAT, YOU KNOW WHAT MAN I...IT'S JUST BETTER IF I JUST THROW THIS IMAGINARY PERSON IN IT, I'LL FEEL BETTER ABOUT MYSELF. PEOPLE WILL FEEL BETTER ABOUT ME. YOU'RE NOT GONNA GET THAT. YOU KNOW WHAT I'M SAYING? AND LIKE THE EVIDENCE, WE HAVE DNA EVIDENCE. WE KNOW SHE WAS STRUGGLING, OKAY? WE KNOW THAT THERE WAS SOME KIND OF PHYSICAL ALTERCATION BETWEEN HER AND WHOEVER STRANGLED HER. UM...WE HAVE YOUR DNA UNDER HER FINGERNAILS, OKAY? SO WE KNOW THAT SHE WASN'T JUST LAYING THERE---

AVILA: WELL--

MYERS: --NOT STRUGGLING.

AVILA: --WELL I MEAN...WHAT I...WHAT I'M...WHAT I CAN SAY ABOUT THAT IS THAT...MAYBE SHE WASN'T JUST UM...JUST LAYING THERE A BIT. SHE WASN'T...MAYBE SHE MIGHT HAVE DONE IT BUT---

MYERS: (INAUDIBLE)

AVILA: --IT WASN'T LIKE UH...LIKE A BIG 'OL THING, YOU KNOW WHAT I MEAN--

MADRID: WELL DID SHE TELL YOU "NO"? "DON'T"? "STOP"? OR "GET OFF OF ME."? OR--

AVILA: --SHE...SHE...SHE WAS WASTED.

MYERS: --ALRIGHT, (INAUDIBLE)

AVILA: (INAUDIBLE) SHE DIDN'T SAY NOTHING ACTUALLY.

MYERS: THE LEVEL OF DRUNKENNESS THAT YOU'RE SAYING SHE DISPLAYED THOUGH IS INCONSISTENT WITH THE AMOUNT OF STRUGGLE SHE PUT UP.

AVILA: I DON'T (INAUDIBLE)

MASTER COPY

- MYERS: AND I THINK THAT'S PROBABLY WHY EVERYTHING ELSE (INAUDIBLE) YOU KNOW WHAT I'M SAYING? I DON'T...I DON'T...I DON'T THINK THAT ANYBODY WAS OUT THERE SAYING "HEY, LOOK WE'RE GONNA FIND A GIRL AND KILL HER." I DON'T.
- AVILA: WELL NEVER SAY "WE'RE GONNA FIND A GIRL AND KILL HER."
- MYERS: NO.
- AVILA: WE NEVER SAID THAT.
- MYERS: BUT YOU'RE NOT EVEN GIVING US AN APPROPRIATE DESCRIPTION OF HER BEHAVIOR--
- AVILA: WELL I CAN'T...I'M TELLING YOU WHAT I REMEMBER AND WHAT I KNOW.
- MADRID WHEN YOU SAW HER, WAS SHE...YOU SAID SHE WAS PASSED OUT. WAS SHE HURT? WAS SHE CRYING, YOU KNOW SHE HAD BEEN CRYING BUT SHE'S (INAUDIBLE) OUT? OR DID SHE LOOK NORMAL?
- AVILA: WELL HER HAIR WAS MESSED UP. LIKE (INAUDIBLE) OTHER THAN THAT I COULDN'T REALLY TELL, YOU KNOW--
- MYERS: HOW WAS THE BACK SEAT OF THAT CAR? WAS IT CLEAN? WAS IT MESSY? WAS IT--
- AVILA: UM...IT HAD A FEW MAGAZINES...I GUESS MAGAZINES OR PAPER OR WHATEVER.
- MYERS: ---UH-HUH. BUT WERE THERE ANY...I MEAN WAS THERE ANY...YOU KNOW, ANYTHING OF (INAUDIBLE) BACK THERE IN THE WAY? ANY--
- AVILA: NO (INAUDIBLE) NO BIG THINGS OR ANYTHING LIKE THAT.
- MYERS: --SO IF THERE WAS ANYTHING IN THE BACK SEAT IT WAS JUST LIKE PAPERS AND MAGAZINES AND STUFF LIKE THAT?
- AVILA: YEAH, (INAUDIBLE) I MEAN I WASN'T PAYING MUCH ATTENTION TO WHAT WAS IN THERE.
- MYERS: OKAY, WELL WHAT DO YOU REMEMBER BEING BACK THERE? LET ME JUST ASK YOU THAT.
- AVILA: JUST A FEW PAPERS OR MAGAZINES. THAT WAS ABOUT IT.

MASTER COPY

MYERS: OKAY, WHAT WAS THE INTERIOR LIKE? WAS IT CLOTH? WAS IT LEATHER? WERE THERE SEAT COVERS?

AVILA: IT WAS LEATHER.

MYERS: LEATHER? OKAY, NOW THIS VEHICLE, YOU DESCRIBED IT AS A SILVER MUSTANG?

AVILA: UH-HUH.

MYERS: CAN YOU PUT THE APPROXIMATE YEAR ON IT?

AVILA: HUH-UH. IT WAS PRETTY...PRETTY...NOT LIKE BRAND NEW LIKE THESE...PROBABLY A COUPLE. MAYBE ONE YEAR OLD.

MYERS: OKAY, AT THE TIME--

AVILA: YEAH--

MYERS: ---I'M NOT SAYING...I MEAN 'CAUSE WE GOTTA REMEMBER THREE YEARS HAVE PASSED ALREADY SO UM...OKAY. NOW IS THAT THE ONLY TIME YOU HAD SEX WITH HER WAS IN THE BACK OF THAT CAR?

AVILA: ---UH-HUH.

MYERS: OTHER THAN THE GUN, YOU SAID THIS OTHER GUY HAD...YOU DON'T REMEMBER ANY NAMES? YOU DON'T REMEMBER CALLING HIM ANYTHING? A NICK NAME OR--

AVILA: (INAUDIBLE) NOBODY WAS AROUND WITH US. NOBODY CALLED HIM.

MADRID BUT HE NEVER INTRO...WHEN HE FIRST INTRODUCED HIMSELF, WHAT DID HE SAY HIS NAME WAS?

AVILA: I DON'T...LIKE I SAID HE COULD BE (INAUDIBLE) HE WAS...HE WAS A WHITE GUY. SO--

MADRID OKAY.

AVILA: ---YOU KNOW WHAT I MEAN? I REMEMBER WHEN HE WAS LIKE IN THE BATHROOM (INAUDIBLE)

MADRID YOU ALSO MENTIONED THAT AFTER YOU GUYS DUMPED THE BODY, THAT YOU WENT BACK--

MASTER COPY

AVILA: YEAH, HE TOLD ME TO DROP (INAUDIBLE) AND DROP HIM OFF.

MADRID ---AT WHAT POINT DID HE SAY...YOU SAID HE TOOK HER JEWELRY?

AVILA: WHENEVER UH...WE DUMPED HER, I GUESS.

MADRID SO YOU WATCHED HIM TAKE THE JEWELRY---

AVILA: WELL...WELL I REMEMBER LOOKING IN THE REAR MIRROR AND THEN HE...HE LIT HER ON FIRE. AND I REMEMBER HE PULLING HER ARM SO I...I GUESS THE JEWELRY.

MADRID ---HOW DID YOU KNOW? DID YOU SEE IT?

AVILA: WELL HE PUT IT IN HIS POCKET AND (INAUDIBLE)

MADRID DID HE SHOW IT TO YOU?

AVILA: (INAUDIBLE)

MADRID YOU NEVER SAW THE JEWELRY YOURSELF?

AVILA: NO.

MADRID WAS IT DARK OUTSIDE BY THE WAY?

AVILA: YEAH.

MADRID WHAT TIME MORE OR LESS WAS IT, DO YOU REMEMBER?

AVILA: IT'S ABOUT...I DON'T REMEMBER WHAT TIME THEY CLOSE THAT BAR BUT IT WAS RIGHT BEFORE THEY CLOSED THE BAR WHENEVER WE TOOK OFF (INAUDIBLE) THE LAPSE OF TIME BETWEEN THEN AND THAT, IT COULD BE AN HOUR OR TWO.

MADRID YOU'RE NOT SURE OF THE TIME?

AVILA: I'M NOT SURE EXACTLY...HOW (INAUDIBLE)

MYERS: WHEN DID YOU SHOW UP AT THE BAR?

AVILA: EARLY, ABOUT 10:30.

MASTER COPY

MYERS: DID YOU HAVE TO PAY A COVER OR ANYTHING TO GET IN?

AVILA: YEAH, FIVE DOLLARS.

MYERS: FIVE BUCKS, OKAY. YOU JUST WENT BY YOURSELF?

AVILA: YEAH, I HAD GONE A COUPLE OF TIMES.

MADRID (INAUDIBLE)

AVILA: ONE...ONE DAY I WENT WITH RIGO. AND THE OTHER...THE OTHER TIME I WENT WITH ONE OF MY FRIENDS FROM JUAREZ.

MYERS: BUT THIS NIGHT YOU WERE BY YOURSELF?

AVILA: I HAD WENT A COUPLE OF TIMES BY MYSELF, YEAH. BUT THAT NIGHT I WENT BY--

MYERS: YEAH, NO...THIS NIGHT SPECIFICALLY. OKAY, AND HOW MUCH WOULD YOU SAY YOU HAD TO DRINK?

AVILA: --UH...QUITE A FEW BEERS.

MYERS: HOW WERE YOU PAYING FOR THEM? WERE YOU RUNNING A TAB?

AVILA: NO, EVERY TIME I'D GO GET ONE, I PAY FOR IT.

MYERS: OKAY, DID YOU HAPPEN TO HAVE A CREDIT CARD?

AVILA: I HAD CREDIT CARDS BUT I DIDN'T...I NEVER USED THEM.

MYERS: YOU NEVER USED THEM IN THE BAR? WHAT KIND OF CREDIT CARDS DID YOU HAVE?

AVILA: A (INAUDIBLE) SOMETHING AND I HAD MY...MY DEBIT CARD.

MYERS: AND WHAT BANK DID YOU BANK WITH?

AVILA: CITIZENS.

MYERS: CITIZENS. DID YOU GO TO THE ATM AT ALL THAT NIGHT OR--

AVILA: I DON'T REMEMBER. I DON'T THINK SO. I DON'T THINK SO.

MASTER COPY

- MYERS: ---OKAY, NOW EARLIER...I'M GONNA TAKE YOU BACK TO (INAUDIBLE) SO YOU WERE FOLLOWING HIM? AFTER YOU LEFT THE BAR YOU FOLLOWED HIM EVERY WHERE HE WENT?
- AVILA: WELL WE WENT JUST STRAIGHT UP FROM THERE ALL THE WAY TO LOHMAN ALL THE WAY UP. RIGHT THERE AT MOUNTAIN VIEW, I...I PUT MY LIGHTS ON AND I TOLD HIM "WHERE (INAUDIBLE) I MEAN I'M ALREADY, YOU KNOW, (INAUDIBLE). JUST RIGHT HERE. JUST PASSED SONOMA." I SAID "ALRIGHT."
- MYERS: AND YOU WEREN'T AROUND WHEN HE ACTUALLY TOOK PHYSICAL CONTROL OF THIS GIRL?
- AVILA: HUH-UH.
- MYERS: OKAY, WHERE WERE YOU PARKED?
- AVILA: RIGHT THERE ON THE STREET. ON THE SIDE OF THAT HOUSE.
- MYERS: OKAY, DID SHE COME WITH HIM FROM THAT HOUSE? OR DID HE DRIVE SOMEWHERE ELSE AND PICK HER UP?
- AVILA: (NO ANSWER HEARD)
- MYERS: YOU NEVER LEFT THAT HOUSE?
- AVILA: HE DID. I NEVER DID. I WAS BUMPING TO THE RADIO AND...I DIDN'T KNOW IF THE PARTY WAS GOING ON IN THE HOUSE. I REMEMBER IT WAS LIKE 10, MAYBE LESS THAN 15 MINUTES AND HE CAME BACK.
- MYERS: OKAY, DID HE DRIVE AWAY FROM THE HOUSE OR DID HE--
- AVILA: UH-HUH.
- MYERS: --OKAY, DID YOU SEE HIM MAKE ANY TURNS WHEN HE DROVE OFF?
- AVILA: I REMEMBER HE WENT TO THE...TO THE RIGHT. TO THE RIGHT AND HE CAME BACK. ACTUALLY...FROM THE BACK AND JUST PARK IN FRONT OF ME AGAIN.
- MYERS: OKAY, (INAUDIBLE) AND YOU SAID YOU NEVER SAW THE JEWELRY THAT HE HAD?
- AVILA: HUH-UH.

MASTER COPY

MYERS: I MAY HAVE MISSED IT (INAUDIBLE) BUT TELL ME AGAIN HOW YOU KNEW HE HAD THE JEWELRY.

AVILA: WELL...AFTER...AFTER THE FACT AND EVERYTHING, I (INAUDIBLE -- MUMBLING)

MYERS: OH, OKAY. SO YOU JUST ASSUMED THAT HE TOOK IT?

AVILA: AND THEN I REMEMBER, YOU KNOW, AFTER HE LIT HER AND PULLED ON HER HAND (INAUDIBLE)

MYERS: AND YOU THINK HE WAS LIGHTING HER ON FIRE 'CAUSE HE WAS, YOU KNOW, BURN HER BEYOND RECOGNITION OR DO YOU THINK HE WAS TRYING TO DESTROY SOMETHING?

AVILA: I...I...I JUST SAW A LOT OF (INAUDIBLE). THE WHOLE THING WAS VERY INTENSE THAT I DIDN'T KNOW WHAT TO THINK. I WAS JUST FREAKING OUT. AND I PULLED MYSELF TOGETHER (INAUDIBLE)

MYERS: WELL THINK BACK NOW, I MEAN WHAT...WHAT DO YOU THINK? THE WAY HE DID THINGS. THE WAY YOU THINK HE WAS JUST TRYING TO JUST BURN HER UP OR DO YOU THINK HE WAS JUST TRYING TO DESTROY SOMETHING?

AVILA: I THINK HE WAS LIKE JUST TRYING TO BURN HER UP.

MYERS: OKAY.

MADRID LET ME BACK UP A LITTLE BIT, YOU SAID WHEN HE (INAUDIBLE) SITTING IN THE CAR?

AVILA: UH-HUH.

MADRID WAS HE SITTING IN THE BACK SEAT WITH HER OR WAS SHE IN THE FRONT SEAT?

AVILA: NO, SHE WAS ASLEEP...AFTER I HAD DONE, I GOT IN THE FRONT SEAT AND I TOLD HIM "WELL WHAT SHOULD WE DO?" AND KIND OF LIKE JOKING AROUND...I DON'T KNOW...I DON'T KNOW...I DON'T KNOW. "JUST LEAVE HER.: AND HE LIKE "NO (INAUDIBLE)"

MADRID: SO WHAT DID HE DO?

AVILA: AND HE WENT IN THE BACK.

MASTER COPY

MADRID ON...ON TOP OF HER AND...BUT HOW DID HE STRANGLE HER? WITH WHAT?

AVILA: HIS HANDS.

MADRID WITH HIS HANDS? AND WHY...DID YOU THINK THIS IS NOT RIGHT? DID YOU STOP THIS GUY? I MEAN WHAT WAS GIRL DOING? SHE WASN'T SHE FIGHTING? WAS SHE--

AVILA: WELL...I WAS...I HAD JUST FINISHED WITH HER AND THEN UH...I JUMPED IN THE CAR, YOU KNOW, AND I WAS HIGH. AND I DON'T KNOW BUT LIKE NOT SCARED BUT I KNOW I SHOULD HAVE STOPPED HIM OR DID SOMETHING BUT I...I JUST DIDN'T. AND THAT'S...THAT THE MAIN PART THAT I FEEL VERY GUILTY. BUT I DON'T...I REALIZE AFTER, YOU KNOW, I GOT ALL THE DRUGS OUT LIKE...IF SHE HAD DONE SOMETHING I DIDN'T...(INAUDIBLE) I DON'T KNOW. I JUST (INAUDIBLE) AND THEN YOU KNOW, LIKE BEFORE HE PULLED THE GUN, SO...I'M ALL LIKE--

MYERS: BUT YOU DIDN'T KNOW HE HAD THE GUN WHEN HE WAS STRANGLING HER?

AVILA: --OH, NO...NO. AND I DON'T KNOW WHERE HE GOT IT FROM. IF HE GOT IT FROM HIS HAND OR I DON'T KNOW--

MADRID --DO YOU REMEMBER THE COLOR THE GUN WAS? DO YOU REMEMBER SEEING THE COLOR?

AVILA: --IT'S ALL BLACK.

MADRID ALL BLACK?

AVILA: AND I REMEMBER AFTER YOU COULD SEE THE...THROUGH THE DIM OF THE LIGHT. SO...AND AFTER THE FACT IT WAS OVER (INAUDIBLE) HE DIDN'T SHOOT HER, I DON'T KNOW. FOR...FOR ALL I KNOW HE COULD HAVE SHOOT ME TOO.

MADRID HUH...WOULDN'T THAT MAKE SENSE TO YOU, AT LEAST THAT'S WHAT YOU'RE TELLING US, HE STRANGLES THIS GIRL. KILLS HER. HE'S GOT A WITNESS IN YOU--

AVILA: UH-HUH.

MADRID --WHY DIDN'T HE JUST KILL YOU? SHOOT YOU? I MEAN HE'S GOT YOU UP IN THE...UP THERE WHEREVER YOU GUYS TOOK THE BODY.

AVILA: WELL HE'S GOT MY ADDRESS.

MADRID: YEAH, BUT HE'S GOT YOU RIGHT THERE.

AVILA: I KNOW...AND I--

MYERS: AND REALLY HE'S KILLING A GIRL FOR NOTHING THAT (INAUDIBLE) DID.

AVILA: (INAUDIBLE)

MYERS: THE ONLY ONE THAT SHE CAN PROVE DID SOMETHING, IS YOU.

MADRID: I MEAN SHE'S PASSED OUT, ACCORDING TO YOU.

AVILA: UH-HUH.

MYERS: SEE WHAT...SEE WHAT I'M SAYING, IT DOESN'T--

AVILA: I KNOW. THIS IS WHAT...THIS IS MY WHOLE POINT FROM THE...FROM THE BEGINNING.

MYERS: --WELL I THINK--

AVILA: IT'S NOT GONNA MAKE SENSE...IT'S NOT GONNA MAKE SENSE--

MADRID: NO, IT'S NOT.

MYERS: --I THINK YOU WANT TO DO THE RIGHT THING. YOU'RE JUST HAVING TROUBLE GETTING OVER THE HUMP. ESPECIALLY WITH THE JEWELRY. BECAUSE I'LL TELL YOU SOMETHING, YOU'RE NOT BEING HONEST TO US ABOUT THE JEWELRY.

AVILA: THE JEWELRY? WHAT DO YOU MEAN?

MYERS: YOU KNOW WHAT I MEAN. YOU'RE NOT BEING HONEST WITH US ABOUT THE JEWELRY.

AVILA: I AM.

MYERS: NO, YOU'RE NOT. YOU ABSOLUTELY AREN'T. NOW THINK ABOUT IT. THINK HOW I WOULD KNOW THAT, FOR A FACT, THAT YOU'RE NOT BEING HONEST WITH US ABOUT THE JEWELRY.

MASTER COPY

AVILA: I DON'T KNOW. BUT LIKE YOU SAID, YOU WERE GONNA SHOW ME SOME...SOME EVIDENCE---

MYERS: WELL I'VE GIVEN YOU SOME. I'VE GIVEN YOU SOME OF THE DNA EVIDENCE. NOW I TOLD YOU WE FOUND YOUR TRUCK. I TOLD YOU WE TRACKED DOWN THE TIRES THAT YOU...THAT YOU EXCHANGED. THAT WAS AT BIG-O ON EL PASEO.

AVILA: --YEAH, I BOUGHT THE TIRES AT BIG-O, YEAH.

MADRID YEAH, BUT THEY ALSO GAVE YOU FIVE DOLLARS PER TIRE FOR THE ONES YOU TRADED IN. THE ONES THAT WERE ON YOUR TRUCK AT THE TIME, RIGHT?

AVILA: (INAUDIBLE)

MADRID YEAH, THEY DID.

MYERS: THAT'S WHAT THE PAPERWORK INDICATES. AND WE HAVE COPIES OF THE PAPERWORK. AND WE'VE BEEN ABLE TO TRACE WHO BOUGHT THE TIRES AFTER YOU.

AVILA: SO THEY--

MYERS: SO WE CAN MATCH THE TIRE PRINT BACK TO YOUR TRUCK TO SHOW THAT YOU WERE THERE...AND THAT'S NOT AN ISSUE--

MADRID 'CAUSE YOU ADMITTED IT TO US.

AVILA: (INAUDIBLE)

MYERS: --BUT I'M JUST TELLING YOU WHAT WE HAVE. I SAID I WAS GONNA SHARE WITH THE EVIDENCE, SO THAT'S WHAT I'M DOING.

AVILA: SEE I'M NOT LYING AND I DON'T KNOW...I...I JUST DON'T UNDERSTAND (INAUDIBLE) IF I WAS GONNA TRY TO HIDE SOMETHING WITH THE TIRE THING--

MYERS: OKAY--

AVILA: ---I WOULD EXCHANGE IT (INAUDIBLE)

MYERS: ---TRUE. OR...I MEAN THERE'S ALWAYS AN...THERE'S ALWAYS ANOTHER SIDE TO THE COIN THOUGH. IF YOU CHANGE THEM RIGHT AWAY, THEN YOU LET YOUR FAMILY KNOW, YOU KNOW WHY DID HE CHANGE THEM. THOSE TIRES ARE PERFECTLY GOOD. WHY

MASTER COPY

WOULD HE WANT TO CHANGE THE TIRES RIGHT NOW, RIGHT AFTER THIS GIRL GOT KILLED.

AVILA: BUT---

MYERS: SO I'M JUST SAYING, THERE'S TWO SIDES TO EVERY COIN.

AVILA: ---LIKE...LIKE I SAY, LIKE I SAY, WHENEVER YOU TELL ME ABOUT IT, I KNEW I WAS GONNA GO TO JUAREZ, OKAY? (INAUDIBLE) RIGHT?

MYERS: NO.

AVILA: (INAUDIBLE) FACING THIS AND I'VE BEEN IN TROUBLE AND EVERYTHING. I HADN'T BEEN IN JUAREZ IN QUITE A WHILE. SO I SAY WELL I'M GONNA YOU KNOW, FIX UP MY TRUCK. BUT I WASN'T DOING IT BECAUSE I WAS GONNA TRY TO HIDE THE TRUCK. I WAS GONNA (INAUDIBLE)...I'M NOT...I'M NOT DENYING THAT MY TRUCK WAS THERE, YOU KNOW? THAT'S WHAT I'M SAYING—

MYERS: NO, NO, NO, I KNOW. BUT I'M JUST SHARING YOU WITH WHAT EVIDENCE WE HAVE—

AVILA: ---AND THEN...BIG-O TIRE IS TELLING YOU THEY GOT MY TIRES. THEY'RE LYING. I KNOW FOR A FACT. THEY DIDN'T. THEY DIDN'T BUY THE OLD TIRES—

MADRID: THEN WHAT DID YOU DO WITH THEM?

AVILA: ---I SOLD THEM SEPARATELY BUT THEY—

MYERS: WHAT DID THEY (INAUDIBLE) FOR? I MEAN THEY GAVE YOU (INAUDIBLE)

AVILA: ---NO THEY GAVE ME CREDIT. THEY GAVE ME CREDIT.

MYERS: BUT WHY ARE THEY GONNA GIVE YOU CREDIT AND LET YOU KEEP THE TIRES?

AVILA: BECAUSE I TOLD THEM THAT THEY WERE...THAT I WAS GONNA TAKE MY TIRES. THEY SAID "ALRIGHT, ALRIGHT." (INAUDIBLE) IT WASN'T AN ARGUMENT OR ANYTHING—

MYERS: NO, NO...SO WHO DID YOU SELL THE TIRES?

AVILA: ---UM...A FRIEND OF MINE (INAUDIBLE) I KNEW HIM FROM WORK AND HE WORKED...WHEN I SAW THAT I WAS GONNA...GET TIRES,

MASTER COPY

HE HAD A TRUCK KIND OF LIKE MINE AND HE TOLD ME HE NEEDED THEM. AND THEN AFTERWARDS HE WAS LIKE "NO, I DON'T NEED THEM. THEY'RE TOO BIG FOR MY TRUCK. MY TRUCK'S TOO LITTLE." (INAUDIBLE) I GOT FIFTY DOLLARS FOR THEM.

MYERS: OKAY, AND WHO WAS THAT? DO YOU REMEMBER HIS NAME? FIRST NAME? LAST NAME OR ANYTHING?

AVILA: I DON'T REMEMBER HIS NAME EXACTLY. WE WORKED (INAUDIBLE) AT THE TIME.

MYERS: YOU DON'T REMEMBER ANYTHING OF...HIS NICK NAME? ANYTHING? JUST SO WE CAN VERIFY---

AVILA: YEAH...HE WORKED AT DMR ON (INAUDIBLE)

MADRID WHAT'S IT CALLED?

AVILA: DMR---

MADRID D AL MAR?

AVILA: M...DMR.

MADRID OH, DMR.

AVILA: YEAH, AND UH--

MADRID WHAT'S THAT...WHAT DOES THAT MEAN? DMR?

AVILA: --UH, I DON'T REMEMBER. BUT IT'S DMR.

MADRID DMR---

AVILA: YEAH, IT'S RIGHT THERE ON THE (INAUDIBLE) IT'S A DIFFERENT BUILDING. THEY DO LIKE UM...THEY INSTALL DOORS AND--

MADRID --OH, OKAY.

AVILA: AND I...AND I (INAUDIBLE) I DON'T REMEMBER EXACTLY HIS NAME. SO---

MADRID WELL WHAT DO YOU THINK HIS NAME IS? MEJICANO OR...(SPANISH FOR: MEXICAN OR...)

MASTER COPY

AVILA: ---YEAH, HE'S MEXICAN. AND YOU CAN UH...YOU CAN JUST GO IN THERE AND ASK WHOEVER KNEW DIEGO, OUR WELDER.

MADRID OKAY.

AVILA: AND...AND ASK WHO BOUGHT THE TIRES.

MADRID OKAY.

AVILA: I MEAN IT'S (INAUDIBLE)

MADRID YEAH.

MYERS: YEAH.

AVILA: AND THAT IS MY TRUCK.

MYERS: THIS IS YOUR TRUCK?

AVILA: WELL IT USED TO..

MYERS: OKAY, I JUST WANTED TO MAKE SURE. UM...NOW LET'S GET BACK TO THE RING. WELL ONE OF THE RINGS AT LEAST. WHY DO YOU THINK I KNOW YOU'RE LYING ABOUT...OR NOT TELLING THE TRUTH ABOUT THE RING?

AVILA: I DON'T KNOW.

MYERS: WE RECOVERED THAT RING. WHERE DO YOU THINK WE GOT IT FROM?

AVILA: I DON'T KNOW.

MYERS: YOUR HOUSE.

AVILA: WELL THAT'S HARD ONE RIGHT THERE.

MYERS: THAT IS A HARD ONE RIGHT THERE. SO THAT'S WHY I'M SAYING HOW IMPORTANT IT IS FOR YOU TO TELL US THE TRUTH.

AVILA: I DIDN'T KEEP NO RING.

MYERS: WELL YOU DID KEEP THE RING. LIKE I SAID, WE RECOVERED IT YESTERDAY FROM YOUR HOUSE. SO WE KNOW...THE DNA REPORT. SO WE KNOW THAT NOT ONLY IS KATIE'S DNA ON THAT RING, AND NOT ONLY DO WE HAVE THE VIDEO FROM THE STORE

MASTER COPY

WHEN SHE BOUGHT IT, YOUR DNA WAS ON THAT RING. SO THAT'S WHY I'M TELLING YOU, IT'S SO IMPORTANT FOR YOU TO TELL US THE TRUTH.

AVILA: WELL...LIKE I TELL...I DON'T RECALL--

MYERS: (INAUDIBLE) HUH?

AVILA: ---I DON'T RECALL HAVING THE RING. I MEAN IF...IF I...IF I...I'M TRYING...I'M TRYING. OKAY, WELL I KEPT HER RING AND I COULD HAVE (INAUDIBLE) I DON'T. I MEAN I'M TELLING YOU WHAT I CAN AND WHAT I KNOW.

MYERS: ...I THINK YOU'RE HAVING TROUBLE ADMITTING TO YOURSELF THAT YOU'RE CAPABLE OF DOING SOMETHING LIKE THAT. AND YOU DON'T WANT THE WORLD TO KNOW. YOU DON'T WANT YOUR FAMILY TO KNOW. BUT WHAT'S...WHAT'S--

AVILA: OKAY, WELL LET ME ASK YOU SOMETHING. WHAT PART OF THE HOUSE DID YOU FIND THAT RING...OR DID YOU FIND?

MYERS: ---NO, NO, NO. WE RECOVERED IT FROM YOUR HOUSE. I'M NOT SAYING THAT'S WHERE YOU PUT IT.

AVILA: FROM MY HOUSE? AND WHERE WAS THIS--

MYERS: BUT YOU HAD POSSESSION OF THAT RING. NOW OBVIOUSLY YOU'RE THE ONLY ONE THAT WAS THERE.

AVILA: ---WHEN...WHEN...WHEN DID YOU FIND THE...I MEAN--

MYERS: WE FOUND IT RECENTLY. YOUR WIFE HAD KEPT IT SINCE APRIL OF '04 WHEN SHE FOUND IT.

MADRID THAT'S NOT A RING THAT YOU GAVE YOUR WIFE ONE TIME WAS IT?

AVILA: NO, NOT THAT I REMEMBER. BUT I REMEMBER...THE ONLY TIME...I REMEMBER MESSING WITH RINGS IN THE HOUSE IS WHEN I BOUGHT MY WIFE A RING. AND THEY DIDN'T WANT TO GET THE SIZE---

MYERS: WELL THIS ISN'T ANY RING, MY FRIEND. I MEAN THIS IS KATIE'S RING. THERE'S NO DOUBT ABOUT IT. SO...THAT'S WHY I'M SAYING. YOU GOTTA...I MEAN...YOU JUST GOTTA COME TO GRIPS WITH WHAT'S GOING ON HERE AND THE REALITY'S BEHIND YOU. LIKE I SAID THE LAW'S NOT GONNA DISTINGUISH WHETHER OR NOT YOU

STRANGLED HER YOURSELF OR SAT BACK AND WATCHED SOMEONE ELSE DO IT. THE CHARGE IS THE SAME. SO YOU'RE NOT REALLY SAVING ANY FACE BY BRINGING IN SOME IMAGINARY PERSON TO MAKE YOURSELF FEEL BETTER OR JUST BE ABLE TO...TO COPE BETTER. AND...AND REALLY ALL YOU DO IS MAKE YOURSELF LOOK WORSE. I MEAN YOU'RE RIGHT HERE. YOU'RE AT THE POINT WHERE YOU CAN TAKE FULL RESPONSIBILITY AND...AND DO A GOOD THING AND FOR WHATEVER REASON, YOU'RE JUST NOT OVER THAT HUMP. BUT WE NEED YOU TO GET OVER THAT HUMP. BECAUSE RIGHT NOW, YOU'RE JUST MAKING YOURSELF LOOK WORSE. AND OUR WHOLE REASON FOR COMING UP HERE WAS TO TRY TO HELP YOU. AND...AND...AND COME FROM A TRUTHFUL POSITION. THAT'S WHAT WE NEED FROM YOU. THAT'S WHAT'S GONNA MAKE THIS WORTHWHILE FOR YOU, TALKING TO US...WORTHWHILE FOR YOU. YOUR FUTURE HEALTH AND WELL-BEING, YOU KNOW. HIDING BEHIND THIS IMAGINARY PERSON'S NOT GONNA DO ANY GOOD FOR YOU. AT ALL. IN ANY WAY, SHAPE OR FORM. THE TRUTH IS WHAT'S GONNA HELP YOU. THE TRUTH IS WHAT'S GONNA MAKE YOU FEEL BETTER. THE TRUTH IS WHAT'S GOING TO ALLOW YOU TO GET OVER THIS HUMP. I MEAN THAT'S IT. YOU GET ONE SHOT. DON'T WASTE YOUR...DON'T WASTE YOUR CHANCE. YOU KNOW WHAT I'M SAYING? DON'T. GIVE US A TRUTHFUL STATEMENT. TAKE THIS OPPORTUNITY.

AVILA: HOW GOOD IS THIS OPPORTUNITY.

MYERS: IT'S THE BEST YOU GOT.

MADRID: IT'S THE ONLY CHANCE YOU'RE GONNA HAVE TO TALK TO US.

MYERS: IT'S THE BEST CHANCE YOU GOT TO GET YOUR WORDS OUT THERE. TO GET YOUR SIDE OUT THERE. TO SHOW US YOU'RE NOT A MONSTER.

AVILA: IT'S JUST---

MYERS: I KNOW IT'S HARD, MAN. I FUCKEN KNOW IT'S HARD. YOU DON'T THINK I'VE SAT ACROSS FROM PEOPLE THAT...BEFORE THAT WERE IN THIS EXACT SAME POSITION? THE REASON I FEEL LUCKY NOW, IS LIKE I TOLD YOU EARLIER, I'VE GONE THROUGH SOME THINGS OVER THE LAST FEW MONTHS THAT ALLOWS ME TO SIT HERE IN A NON-JUDGMENTAL POSITION. (INAUDIBLE) A HUNDRED PERCENT HONEST. THREE MONTHS AGO, I WOULDN'T BE HERE. I WOULD HAVE SAID I DON'T GIVE A DAMN WHAT THAT GUY HAS TO SAY. LET'S THROW THE BOOK AT HIM BECAUSE WE GOT...BUT I'M

MASTER COPY

TRYING TO SEE THE HUMANITY IN YOU RIGHT NOW AND GIVE YOU AN OPPORTUNITY TO TELL THE TRUTH AND TAKE THE RESPONSIBILITY AND I DON'T WANT YOU TO THROW THAT AWAY. I DON'T WANT YOU TO BLOW IT AND I DON'T WANT YOU TO REGRET IT A WEEK FROM NOW. A MONTH FROM NOW. NEXT YEAR. TAKE THE OPPORTUNITY WE'RE GIVING YOU, MAN. TELL US EXACTLY WHAT HAPPENED. TELL US THE REAL TRUTH. YOU'RE RIGHT THERE. I KNOW YOU WANT TO. I KNOW YOU WANT TO GET IT OFF YOUR CHEST.

AVILA: ---I'VE BEEN TRYING TO GET IT OFF MY CHEST---

MYERS: I KNOW. I KNOW.

AVILA: ---(INAUDIBLE)

MYERS: SO DON'T...DON'T BLOW THIS OPPORTUNITY, MAN.

AVILA: I'M JUST SCARED FOR ME IN HERE.

MYERS: I KNOW YOU'RE SCARED---

AVILA: WELL THAT'S ANOTHER THING---

MYERS: --BUT I TOLD YOU...I TOLD YOU WE WILL MAKE SURE YOU'RE SAFE. I HAVE TO--

AVILA: --I CANNOT...I CANNOT AFFORD...I MEAN I'M ALREADY, YOU KNOW, IF I GET CONVICTED OF THIS...THAT'S MY LIFE THROWN AWAY.

MYERS: --WELL YOU CAN LOOK AT IT THAT WAY OR YOU CAN LOOK AT IT AS A NEW BEGINNING. BECAUSE YOU SAY YOU'RE THROWING YOUR LIFE AWAY. YOU STILL HAVE A FAMILY. YOU STILL HAVE CHILDREN.

AVILA: THIS IS GONNA CHANGE EVERYTHING.

MYERS: OH, IT IS GONNA EVERYTHING. BUT YOU CHANGE IT FOR...I MEAN YOU CAN MAKE THE BEST OUT OF A HORRIBLE SITUATION. OR YOU CAN KEEP RUNNING AND KEEP HIDING AND MAKE IT EVEN WORSE. YOU HAVE ALL THE CONTROL RIGHT NOW. PROBABLY FOR THE FIRST TIME IN YOUR LIFE, TO ACTUALLY TAKE CONTROL OF THIS SITUATION AND MAKE IT THE BEST FROM HERE FORWARD, THAT IT CAN POSSIBLY BE. I'M SERIOUS. I MEAN IF--

AVILA: YEAH...I'M NOT LAUGHING...I'M NOT LAUGHING AT YOU--

MASTER COPY

- MYERS: --NO, I KNOW. BUT THAT'S WHAT YOU HAVE TO DO NOW. YOU HAVE THAT ONE...THE ONE OPPORTUNITY...LIKE I SAID PROBABLY ONE OF THE FEW TIMES IN YOUR LIFE WHERE YOU HAVE TOTAL CONTROL. FROM THIS TIME FORWARD, YOU CAN MAKE A DECISION AND GO FORWARD AND MAKE IT THE BEST POSSIBLE SITUATION THAT IT CAN BE OR YOU CAN KEEP RUNNING AND HIDING...THINGS ARE GONNA HAPPEN ANYWAY. THE BALL'S IN...AND IT'S ROLLING.
- AVILA: ---UH-HUH.
- MYERS: SO THE OPPORTUNITY YOU HAVE NOW IS, LIKE I SAID, MAKE IT THE BEST POSSIBLE SITUATION FOR YOU. BUT YOU STILL GOTTA REMEMBER YOUR FAMILY. YOU DON'T WANT YOUR KIDS TO GROW UP WITH THE NOTION THAT, YOU KNOW, MY...MY DAD JUST RAN AND HID. HE LAID DOWN. OR YOU WANT THEM TO KNOW THAT, YOU KNOW, THIS GUY STOOD UP. DID HE MAKE THE BAD CHOICE. DID HE SCREW UP. YEAH, BUT YOU KNOW WHAT, HE TOOK ACCEPTANCE...HE TOOK RESPONSIBILITY FOR IT. HE ACCEPTED IT. AND HE WAS A POSITIVE INFLUENCE IN OUR LIFE, RATHER THAN A NEGATIVE ONE. AND YOU HAVE THAT OPPORTUNITY RIGHT NOW, JUST TELL US THE TRUTH.
- AVILA: JUST...JUST ERASE EVERYTHING I HAD SAID, OKAY?
- MADRID: OKAY, FINE. YOU START ALL OVER. START ALL OVER.
- MYERS: JUST TELL US, MAN. JUST GET IT OFF YOUR CHEST. YOU'RE RIGHT THERE.
- AVILA: LET ME JUST ASK YOU (INAUDIBLE) WHAT...WHERE DID YOU GET THAT RING FROM MY...I MEAN HOW LONG AGO?
- MYERS: WE GOT IT ON THIS...AND I WILL TELL YOU, IT'S A WEIRD WAY...I'M GONNA TELL YOU RIGHT UP HOW WE FOUND IT. WE WENT BACK, OBVIOUSLY WE GOT THE DNA MATCH FIRST. WHEN YOU WENT TO PRISON, YOU HAD TO GIVE DNA.
- AVILA: UH-HUH.
- MYERS: EVERYTHING GOES INTO A NATIONAL DATABASE FROM KNOWN TO UNKNOWN SAMPLES. WE GOT A MATCH, OKAY? WE DID A SEARCH WARRANT...YOUR TRUCK HAD BEEN SOLD. WE WERE ABLE TO TRACK DOWN WHO BOUGHT THE TRUCK. WE SEIZED THE TRUCK. WE DIDN'T NEED NO SEARCH WARRANT FOR THAT. WE WENT. WE

MASTER COPY

EXECUTED THE SEARCH WARRANT AT YOUR HOUSE. WE FOUND THE RING. YOUR WIFE HAD IT IN HER JEWELRY BOX. WHAT HAPPENED WAS, I GUESS BACK IN APRIL WHEN YOU TOOK OFF...WAS IT APRIL...SOME TIME, WHENEVER YOU TOOK OFF. WHENEVER YOU RENTED THE FORD TAURUS AND TOOK OFF. YOU (INAUDIBLE) THE TRUCK...HAD TOLD THEM CALL SOMEONE (INAUDIBLE) THAT DID THE TRUCK. THAT RING WAS IN THE ASHTRAY OF THAT TRUCK UNDER A BUNCH OF CRAP.

AVILA: SO IT WASN'T IN MY HOUSE?

MYERS: NO, NO. SHE TOOK IT. WHEN THEY CLEANED OUT THE TRUCK, THEY FOUND IT. SHE TOOK IT AND KEPT IT ALL THIS TIME. SHE WAS GONNA SELL IT FOR CASH AND JUST NEVER GOT AROUND TO IT. SO WE WERE ABLE TO FIND THE RING.

AVILA: IT DOESN'T MAKE SENSE TO ME NOW.

MYERS: OKAY.

AVILA: OKAY? ALRIGHT, BECAUSE I NEVER TOOK IT TO THE HOUSE. I--

MYERS: RIGHT, NO, NO--

AVILA: --IT JUST THREW ME OFF. WELL ANYWAYS...(WHISPERING) HOW BAD IS ALL THIS? I MEAN--

MYERS: ---WE STILL NEED---

AVILA: ---I MADE UP MY MIND.

MYERS: --(INAUDIBLE)

AVILA: I MADE UP MY MIND. I CAN'T...I CANNOT GO WORSE THAN IT IS ALREADY.

MYERS: RIGHT. AND I'M GONNA TELL YOU IT'S THE SAME...WE'RE IN THE SAME POSITION WHEN WE FIRST GOT HER. UNTIL WE KNOW HOW IT PLAYED OUT, WE CAN'T TELL YOU.

AVILA: I...I'M SORRY I MADE YOU LOST ALL THIS TIME. I...I KNOW YOU GUYS ARE INVESTIGATING. AND LIKE YOU SAID I CANNOT MAKE IT ANY WORSE. I MEAN--

MYERS: RIGHT. EXACTLY. SO...BUT WHAT YOU CAN DO BY TELLING THE TRUTH, IS MAKE IT BETTER.

MADRID EXACTLY.

MYERS: AND THAT'S WHY WE NEED TO HEAR THE TRUTH. AND I...AND I GIVE YOU MY WORD, BUT BEFORE...WHEN WE GET DONE, I WILL TELL YOU EXACTLY PROBABLY WHAT YOU'RE LOOKING AT. I JUST CAN'T DO THAT WITHOUT KNOWING WHAT HAPPENED.

AVILA: RIGHT. AY...YA...YAH--

MYERS: IT'S OKAY, MAN. JUST GET IT OFF YOUR CHEST.

AVILA: ---I WAS AT GRAHAM'S. THAT NIGHT I WENT TO GRAHAM'S. I MET THIS GUY (INAUDIBLE) ANOTHER GUY. HE HAD SOME COKE. I FOLLOWED HIM. (INAUDIBLE) HE VANISHED.

MADRID HE VANISHED?

AVILA: I NEVER SEEN HIM AGAIN. AND I WAS HIGH. I'M NOT...I'M NOT TRYING TO...TO EXCUSE MYSELF. I HAD MANY CHANCES TO COME FORWARD. I COULDN'T TELL YOU HOW MANY CHANCES TO COME FORWARD AND I...AND LIKE YOU SAY, I LOOK IN THE MIRROR EVERY DAY AND KNOW I GOTTA SAY SOMETHING. AND I KNOW THAT (INAUDIBLE) PRETTY MUCH THE REST OF MY LIFE IN PRISON. MAYBE BECAUSE WAITING THIS LONG IS GONNA MAKE IT LONGER, I DON'T KNOW.

MYERS: NO.

AVILA: REALLY? I MEAN...(INAUDIBLE) A LOT OF TIMES, (INAUDIBLE). I FIND OUT SHE WAS AN ONLY CHILD AND THAT WAS (INAUDIBLE). I MEAN I CAN'T IMAGINE THE PAIN THAT THE PARENTS ARE GOING THROUGH BECAUSE (INAUDIBLE). THIS GUY I MET, I FOLLOWED HIM....I...I TOLD HIM TO STOP RIGHT THERE ON MOUNTAIN VIEW. I THOUGHT IT WAS TOO (INAUDIBLE)

MYERS: RIGHT.

AVILA: AND SO HE JUST WENT AHEAD. HE WENT IN AND GOT OUT. I WENT TO PIC QUIK AND THAT WAS IT. (INAUDIBLE) JUST WAS A LITTLE DRUG TRANSACTION I GUESS. THEN I STAYED THERE. I STAYED OUTSIDE THE HOUSE FOR QUITE A WHILE BUMPING TO THE RADIO. AND I SEEN THAT THERE'S GONNA BE A PROBLEMS THAT I DROVE UP WITH THAT GUY OR WHATEVER. AND I DECIDED TO GO HOME. AND UM...AT THE BEGINNING I ALMOST RAN...I MEAN I ALMOST RAN HER OVER. BUT NOT BECAUSE I WASN'T PAYING ATTENTION. BUT I

MASTER COPY

REMEMBER SHE WAS VERY DRUNK. AND WALKING IN THE STREET. AND I STOPPED. AND SHE KIND OF LIKE (INAUDIBLE) SOMEWHERE (INAUDIBLE) AND I YELLED AT HER "DO YOU NEED HELP?" AND SHE WOULDN'T ANSWER. AND I ASKED AGAIN "DO YOU NEED HELP?" AND SHE WAS LIKE "NO, ACTUALLY I LIVE A COUPLE OF BLOCKS DOWN HERE." I TOLD HER "I CAN GIVE YOU A RIDE. I CAN GIVE YOU A RIDE." SHE TOLD ME "NO, NO THAT'S ALRIGHT." I SAID "OKAY." SO SHE STARTED WALKING AWAY. AND I GOT BACK IN THE TRUCK AND I TURNED AROUND AND I FOLLOWED HER. AND THEN UM...I FELT...THERE WAS LIKE A LITTLE WATER DRAIN WHERE LIKE I GUESS WHERE THE WATER GOES THROUGH WHENEVER IT RAINS I GUESS--

MYERS: RIGHT.

AVILA: ---AND I STOPPED...BY THIS TIME SHE...SHE WAS ALREADY WALKING (INAUDIBLE). I DON'T KNOW, I WAS JUST LOOKING AT HER WHEN I...WHEN I WAS DRIVING. ANYWAYS, I STOPPED. TOOK A PISS. AND I GOT BACK IN THE TRUCK. I SAID I'M GOING HOME. I JUST SAID I WAS GOING HOME. THEN I WAS DRIVING ON A STREET AND I SAW HER AGAIN. I SAW HER AT HER HOUSE. AND THEN I STOPPED AND I ASKED HER IF SHE NEEDED HELP. AND SHE GOES "I JUST CAN'T GET INTO MY HOUSE. I DON'T HAVE MY PURSE AND I DON'T WANT TO WAKE MY...MY FRIEND UP" OR SOMETHING LIKE THAT. AND...I SAID "WELL I'LL HELP YOU." AND SHE GOES "WELL JUST HELP ME OPEN THAT WINDOW." I DON'T KNOW IF SHE SAID THAT WAS HER ROOM OR IF SHE COULD GO THROUGH THERE OR...I DON'T KNOW. I DON'T REMEMBER EXACTLY. AND ALL OF A SUDDEN I JUST (INAUDIBLE) AND I HELD HER LIKE FROM THE FRONT. AND SHE'S ALL "WHAT ARE YOU DOING?" AND I SAID "DON'T WORRY." SHE SAID "WHAT...WHAT ARE YOU DOING?" AND SHE CHARGED ME A LITTLE BIT AND I CHARGED HER BACK AND I FELL ON TOP OF HER. AND THEN UM...SINCE SHE WAS DRUNK, I WAS THINKING (INAUDIBLE) AND THEN UH...JUST LIKE YOU SAID, SHE PUT UP A LITTLE BIT OF...A LITTLE BIT OF A FIGHT. AND THEN THAT'S WHEN I JUST (INAUDIBLE) FOR SOME REASON I DECIDED I...I WAS GONNA STRANGLE HER. AND I DID.

MYERS: HOW DID YOU DO THAT?

AVILA: I WAS STILL ON TOP OF HER AND (INAUDIBLE) RIGHT HERE.

MYERS: I'M SORRY.

AVILA: AND THEN I RAISED MY HAND (INAUDIBLE) THEN ALL OF A SUDDEN SHE KEEPS RESISTING (INAUDIBLE). I MEAN WHEN I WAS...WHEN I

MASTER COPY

HAD MY HANDS AROUND HER, I MEAN I JUST...I...I DON'T KNOW. I LOCKED. I---

MYERS: IT'S OKAY. YOU'RE DOING FINE.

AVILA: —I LOCKED AND I COULDN'T LET GO. (INAUDIBLE) I COULDN'T LET GO. AND THEN ALL OF A SUDDEN SHE JUST WASN'T BREATHING OR ANYTHING. I DIDN'T KNOW WHAT TO DO.

MYERS: WHAT DID YOU DO NEXT?

AVILA: I CARRIED HER TO MY TRUCK.

MYERS: HOW...HOW DID YOU CARRY HER?

AVILA: (INAUDIBLE) I DIDN'T KNOW IF I SHOULD JUST TAKEN HER TO THE HOSPITAL OR ANYTHING...JUST (INAUDIBLE) I MEAN I EVEN TRIED TO...TO REVIVE HER. I DON'T KNOW WHERE BUT...I TRIED TO BLOW IN HER. I DIDN'T KNOW HOW TO DO CPR...BLOW IN HER MOUTH AND PUSH ON HER CHEST. AND I DID THAT A COUPLE OF TIMES (INAUDIBLE) THAT WAS BEFORE I PICKED HER UP. AND AT THAT TIME, I DIDN'T KNOW WHAT TO DO. I DIDN'T KNOW (INAUDIBLE)

MYERS: IT'S OKAY. YOU'RE DOING JUST FINE. WHAT HAPPENED NEXT?

AVILA: STILL MOUTH TO MOUTH. (INAUDIBLE)

MYERS: RIGHT THERE IN FRONT OF THE HOUSE?

AVILA: (NO ANSWER HEARD)

MYERS: WHERE EXACTLY DID YOU PUT HER?

AVILA: I PUT HER IN THE FRONT SEAT FIRST. AND I TOOK HER RING.

MYERS: CAN YOU DESCRIBE THE RING (INAUDIBLE)

AVILA: (INAUDIBLE) ACTUALLY I HAVE (INAUDIBLE) ABOUT HOW IT LOOKED.

MYERS: OKAY, DID YOU TAKE ANYTHING ELSE FROM HER?

AVILA: (INAUDIBLE) AND I WAS UM...THEN I START DRIVING AND SHE KIND OF WENT FORWARD AND (INAUDIBLE) THE SEAT BELT (INAUDIBLE) AND I COULDN'T. I WAS SO HIGH. SO (INAUDIBLE). YOU KNOW, SO I WAS GONNA PUT HER IN THE BACK IN THE TRUCK. SO I GOT OFF

MASTER COPY

FROM THE TRUCK AND I OPENED THE DOOR AND THE TRUCK STARTED GOING BACKWARDS BECAUSE I DIDN'T PUT IT IN GEAR. SO (INAUDIBLE) IN GEAR AND I WENT AROUND AND GOT HER. AND IT HAPPENED SO FAST 'CAUSE I WAS WITH HER. I DON'T KNOW. I PUT HER IN THE BACK OF THE TRUCK AND THEN I...I DROVE OFF. (INAUDIBLE) WENT BEHIND MOUNTAIN VIEW HOSPITAL AND I DUMPED HER. I STARTED DRIVING OFF AND...WELL NOT...NOT STARTED, BUT I STARTED THE TRUCK. AND UH...AND I KNOW I WAS SO DEEP IN TROUBLE AT THAT TIME. AND SOMETHING JUST TOLD ME TO PUT HER ON FIRE.

MYERS: HOW DID YOU DO THAT?

AVILA: I HAD A LITTLE BIT OF...IT WASN'T EVEN MUCH (INAUDIBLE) A LITTLE BOTTLE OF ALCOHOL IN THE BACK OF THE TRUCK JUST ROLLING AROUND.

MYERS: AND WHAT DID YOU DO? HOW...HOW DID YOU DO IT? DESCRIBE IT TO ME.

AVILA: I DON'T REMEMBER EXACTLY. (INAUDIBLE) HER PANTS OR...I DON'T KNOW. OR HER BLOUSE. I JUST POURED IT ON AND...AND LIT.

MYERS: WHAT DID YOU USE TO LIGHT IT?

AVILA: A LIGHTER.

MYERS: OKAY, WHAT DID YOU DO NEXT?

AVILA: I DROVE OFF. AND WENT HOME.

MYERS: YOU DID GOOD, MAN. WE'RE GONNA HAVE A FEW FOLLOW UP QUESTIONS. WILL THAT BE ALRIGHT?

AVILA: (NO ANSWER HEARD)

MYERS: SO HAD YOU, PRIOR TO BEING IN THAT NEIGHBORHOOD, HAD YOU EVER SEEN HER BEFORE OR AFTER---

AVILA: NO.

MYERS: ---NO?

MASTER COPY

- AVILA: AND FROM WHAT I LEARNED ON THE...ON THE TV AND ON THE PAPER, I GUESS SHE WAS AT ANOTHER PARTY. AND THEN SHE DECIDED TO TAKE OFF.
- MYERS: BUT YOUR MEETING HER THERE, THAT WAS A JUST A CHANCE---
- AVILA: THAT WAS A VERY (INAUDIBLE)
- MYERS: ---NOW WHEN YOU WENT OVER THERE...WHEN YOU ASKED HER IF SHE NEEDED HELP TO GET INTO HER HOUSE, WHEN SHE WAS ACTUALLY AT HER HOUSE, HAD YOU ALREADY INTENDED AT THAT POINT TO HAVE SEX WITH HER---
- AVILA: NO. NO BECAUSE I HAD ALREADY...I SAW HER AND I OFFERED HER HELP BECAUSE I...I WAS ALMOST GONNA RUN HER OVER. AND...AND SHE TALKED TO ME. SHE SAID "NO, I'M JUST GONNA (INAUDIBLE)" WHEN...(INAUDIBLE) I STARTED FOLLOWING HER. BUT NOT JUST...NOT BECAUSE I WANTED TO RAPE HER. BUT FOR SOME REASON I WANTED HER TO BE SAFE. BECAUSE I WAS GONNA RUN OVER HER. AND BEFORE HER HOUSE WHEN I STOPPED TO TAKE A PISS, YOU KNOW, SHE KEPT ON WALKING. I WANTED (INAUDIBLE) BE WITH ME. I GOT BACK IN THE TRUCK. AND WHEN I WAS DRIVING, SHE WAS COMING BACK FROM THE FRONT DOOR. AND I STOPPED REAL QUICK AND I TOLD HER "DO YOU NEED HELP?" AND SHE WAS LIKE "KIND OF. I FORGOT MY PURSE. I DON'T HAVE MY KEYS. AND MY FRIEND IS ASLEEP." AND I SAID "WELL JUST WAKE HER UP." SHE GOES "NO, HER PARENTS ARE HERE." AND SO (INAUDIBLE)
- MYERS: NOW WHEN YOU SAY YOU BLACKED OUT, WHAT DO YOU MEAN BY THAT?
- AVILA: I MEAN...I DON'T KNOW WHY I...I HELD HER. I DON'T KNOW. I MEAN...I HELD HER...SHE'S LIKE "WHAT ARE YOU DOING?" AND SHE PUSHED...AND THEN I PUSHED HER...PUSHED HER BACK AND SHE FELL OVER. I DON'T KNOW, I MEAN...I WASN'T THINKING WHAT I WAS GONNA DO. I WASN'T...I WASN'T REACTING TO WHAT I WAS DOING. YOU KNOW, IF IT WAS RIGHT OR WRONG.
- MADRID THINGS JUST HAPPENED?
- AVILA: THAT'S WHAT I'M (INAUDIBLE)
- MYERS: NOW EARLIER YOU SAID YOU TOOK ADVANTAGE OF HER AND I'M SORRY BUT I NEED TO ASK YOU EXPLICITLY EXACTLY WHAT YOU DID TO HER.

- AVILA: WELL I RAPED HER.
- MYERS: HOW...HOW DID YOU GET HER PANTS OFF?
- AVILA: I WAS ON TOP OF HER AND UH...I KIND OF...I (INAUDIBLE) HER BRA UP. AND THEN SHE (INAUDIBLE) AND SHE GOT ME (INAUDIBLE) ARM.
- MYERS: ON...DO YOU REMEMBER WHICH ARM?
- AVILA: THIS ONE. I DON'T KNOW IF I STILL HAVE THE SCAR. LOOK...IT'S (INAUDIBLE)
- MYERS: YEAH...THIS ONE?
- AVILA: YEAH.
- MYERS: OKAY, AND THEN WHAT HAPPENED?
- AVILA: I RAPED HER AND THEN UH...SHE STARTED YELLING AND THEN I DIDN'T...I DON'T KNOW....I THOUGHT MAYBE I SHOULD JUST GO AWAY QUICK AND THEN IN MY MIND I WAS LIKE THE CAR'S TOO FAR...NOT THE CAR...THE TRUCK'S TOO FAR EVEN THOUGH IT WAS JUST RIGHT THERE. AND I STARTED CHOKING HER.
- MYERS: OKAY, NOW WHEN YOU HAD SEX WITH HER, OR YOU RAPED HER, HOW DID YOU DO THAT? I MEAN I KNOW IT SOUNDS WEIRD BUT TELL ME EXACTLY WHAT YOU DID.
- AVILA: WELL I PULLED HER PANTS ALL THE WAY TO (INAUDIBLE) AND LIKE (INAUDIBLE) AND I JUST PENETRATE HER.
- MYERS: WHAT PART OF HER BODY DID YOU PENETRATE?
- AVILA: HER VAGINA AND HER (INAUDIBLE)
- MYERS: OKAY, YOU PENETRATED HER ANUS WHILE YOU WERE ON TOP OF HER OR DID YOU TURN HER OVER?
- AVILA: WHILE I WAS ON TOP OF HER.
- MYERS: OKAY, AND...AND WHAT ABOUT YOUR CLOTHES? DID YOU TAKE THEM ALL THE WAY OFF?
- AVILA: NO.

MASTER COPY

MYERS: WHAT DID YOU DO?

AVILA: I JUST PULLED MY PANTS DOWN (INAUDIBLE)

MYERS: DID YOU UM...FINISH.

AVILA: UH-HUH.

MYERS: YOU EJACULATED? DO YOU REMEMBER WHERE YOU EJACULATED?

AVILA: (INAUDIBLE - MUMBLING)

MYERS: OKAY, NOW HOW LONG WOULD YOU SAY YOU WERE STRANGLING HER?

AVILA: I KNOW NOW. IT MIGHT HAVE BEEN A LONG TIME. IT MIGHT HAVE BEEN JUST A LITTLE TIME BUT I COULDN'T BELIEVE THAT SHE WASN'T BREATHING.

MYERS: WHAT...I MEAN KIND OF, I KNOW IT'S HARD TO THINK ABOUT, BUT WHAT...WHAT WAS YOUR PURPOSE OF STRANGLING HER? WHAT WERE YOU TRYING TO DO?

AVILA: LIKE I TELL YOU, I...SHE...(INAUDIBLE) AND I DECIDED MY CAR WAS TOO FAR. AND SHE WAS YELLING AND (INAUDIBLE) I FREAKED OUT.

MYERS: OKAY.

MADRID WERE YOU TRYING TO KEEP HER QUIET? IS THAT WHAT YOU WERE TRYING TO DO SINCE SHE WAS SCREAMING AND YELLING?

AVILA: (NO ANSWER HEARD)

MADRID YEAH? WHEN YOU SAID THAT YOUR TRUCK WAS TOO FAR, IT WAS REALLY JUST PARKED IN FRONT OF HER HOUSE? BUT IN YOUR MIND IT WAS JUST TOO FAR?

AVILA: (NO ANSWER HEARD)

MADRID (INAUDIBLE)

MYERS: DID YOU THINK THAT IT WAS TOO FAR BECAUSE SHE WAS YELLING AND THAT SOMEBODY MIGHT SEE YOU?

MASTER COPY

AVILA: I GUESS.

MYERS: OR...WELL I DON'T WANT YOU TO...I MEAN I DON'T WANT TO FORM THIS OPINION FOR YOU. IF YOU CAN REMEMBER TELL ME, IF NOT JUST SAY---

AVILA: THAT'S A GOOD...THAT'S A GOOD (INAUDIBLE) I THINK. TO TELL YOU THE TRUTH, LIKE I SAID I WAS JUST FREAKED OUT. AND I WASN'T THINKING RIGHT.

MYERS: ---OKAY. NO, THAT'S FAIR ENOUGH.

AVILA: THAT COULD HAVE BEEN THE REASON.

MYERS: OKAY, NOW...I'M GONNA ASK YOU...EVERYONE THAT KNOWS HER THOUGHT HAD THAT THAT NIGHT SHE HAD A WATCH ON AS WELL AS THE RING. DO YOU REMEMBER A WATCH? DO YOU REMEMBER TAKING A WATCH?

AVILA: NO.

MYERS: OKAY, CAN WE SHOW YOU A PICTURE JUST TO...MAYBE IT'LL REFRESH YOUR MEMORY OR--

AVILA: (INAUDIBLE)

MYERS: --YEAH, AND WE'RE JUST TRYING TO CLEAR UP...CLEAR IT UP. IF YOU DIDN'T THAT'S FINE. I MEAN THERE'S NO...THERE'S (INAUDIBLE). THAT DOESN'T RING A BELL?

AVILA: HUH-UH...NOT THAT I REMEMBER.

MYERS: OKAY, NOW OBVIOUSLY WE FOUND ONE RING BECAUSE I'M SITTING HER SHOWING IT TO YOU. DO YOU KNOW WHAT YOU DID WITH THE OTHER RING?

AVILA: I SOLD IT.

MYERS: DO YOU KNOW WHO YOU SOLD IT TO?

AVILA: (INAUDIBLE)

MYERS: YOU DON'T KNOW OR YOU DON'T WANT TO TELL US?

AVILA: I DON'T KNOW. IT WAS SOMEBODY IN JUAREZ.

MASTER COPY

MYERS: WHAT'S THAT?

AVILA: IT WAS SOMEBODY IN JUAREZ.

MYERS: OH, OKAY.

AVILA: BUT I DON'T KNOW.

MYERS: WHAT...DO YOU REMEMBER HOW MUCH MONEY YOU GOT FOR IT?

AVILA: I GOT ABOUT SIXTY DOLLARS.

MYERS: OKAY, HAS...HAVE YOU...NOW I JUST WANT TO MAKE SURE, ARE YOU ABSOLUTELY POSITIVE THAT YOU WEREN'T WITH ANYBODY ELSE?

AVILA: I WAS THERE BY MYSELF.

MYERS: YOU'RE NOT TRYING TO PROTECT ANYBODY?

AVILA: AFTER...NO, I'M NOT. AFTER THAT POINT, UM...THAT COKE (INAUDIBLE)

MYERS: OKAY, NOW AFTER THIS, HAVE YOU TOLD ANYBODY ABOUT WHAT HAPPENED?

AVILA: NO.

MYERS: NOT A FRIEND? NOT FAMILY? NOT A PRIEST? ANYBODY?

AVILA: NO, THAT'S WHY...THAT'S WHY, YOU KNOW, (INAUDIBLE). YOU'RE THE ONLY ONE THAT KNOWS. AND (INAUDIBLE)

MYERS: OKAY, NOW LET ME ASK YOU THIS NOW, I MEAN AFTER THE FACT, DO YOU THINK YOU WOULD HAVE DONE SOMETHING LIKE THAT AGAIN OR---

AVILA: NO.

MYERS: ---HOW...HOW DID YOU FEEL AFTERWARDS?

AVILA: I FEEL BAD. I FEEL HAUNTED. I FEEL...I FEEL LIKE I DIDN'T KNOW THE CONSEQUENCES. BUT I KNEW THE CONSEQUENCES. BUT I DIDN'T WANT TO FACE THE CONSEQUENCES. AND UH...I PRAYED EVERY DAY. I PRAY EVERY DAY FOR FORGIVENESS (INAUDIBLE)

MASTER COPY

MYERS: IS THERE ANYTHING ELSE YOU WANT TO SAY? ANYTHING...IF THERE'S SOMETHING THAT I SHOULD HAVE ASKED THAT I DIDN'T. ARE WE MISSING ANYTHING? ARE THERE ANY QUESTIONS WE SHOULD HAVE ASKED THAT WE DIDN'T?

AVILA: (INAUDIBLE - MUMBLING)

MYERS: ANYTHING ELSE YOU WANT TO ADD?

AVILA: I DON'T KNOW LIKE WHEN IS THIS TRIAL AND ALL THIS...THIS WHOLE THING STARTING (INAUDIBLE)

MADRID BEFORE WE GET THAT...LET ME ASK YOU ONE THING REAL QUICK (INAUDIBLE) THE RING THAT WE SHOWED YOU, THAT IS THE RING YOU TOOK OFF OF KATIE?

AVILA: I THINK SO.

MADRID OKAY.

AVILA: IF I REMEMBER...I...I WAS ON DRUGS AND--

MADRID SURE.

AVILA: ---I COULD SAY IT IS.

MYERS: DO YOU KNOW WHY YOU KEPT IT? YOU SOLD THE OTHER ONE.

AVILA: WELL I SOLD THE OTHER ONE...ACTUALLY, I (INAUDIBLE) MESS IN MY TRUCK. AND I DIDN'T...AFTER THE FACT, I DIDN'T REMEMBER WHERE I PUT IT. I DIDN'T AND THAT'S WHY I WAS SO (INAUDIBLE) HOW DO YOU FIND THAT IN MY HOUSE. I DIDN'T REMEMBER. AND NOW IT MAKES SENSE THAT I PUT IT THERE IN THE ASHTRAY WITH A WHOLE BUNCH OF QUARTER THINGS, WHATEVER. AND I COULDN'T FIND IT MYSELF.

MADRID I KNOW YOU (INAUDIBLE) TALK ABOUT THE WATCH AND WE SHOWED YOU A PICTURE OF THE WATCH AND YOU SAID SHE DID NOT HAVE A WATCH ON?

AVILA: I DON'T REMEMBER TAKING...YEAH I DIDN'T TAKE A WATCH. I KNOW FOR A FACT I TOOK THE TWO RINGS.

MADRID OKAY.

MASTER COPY

AVILA: BUT THE WATCH--

MADRID YOU DON'T...

MYERS: OKAY, HAS EVERYTHING YOU TOLD US THE TRUTH TODAY,
GABRIEL?

AVILA: --YES, SIR.

MYERS: OKAY, ALRIGHT WELL WE APPRECIATE IT AND I KNOW HOW HARD
THIS WAS FOR YOU. BUT I BELIEVE IN MY HEART YOU'VE DONE
THE RIGHT THING AND WHAT'S GONNA HAPPEN NOW IS,
OBVIOUSLY WE JUST GATHER FACTS. WE'RE GONNA GET
TOGETHER WITH THE DISTRICT ATTORNEY'S OFFICE AND MAKE A
CHARGING DECISION. WE'RE NOT GONNA RUSH OUT TO TRY TO
GET YOU CHARGED OR ANYTHING LIKE THAT. WE'RE GONNA TAKE
OUR TIME AND...AND AS SOON AS WE KNOW, WE'LL...WE'LL LET
YOU KNOW, OKAY? AND WE'RE GONNA TALK WITH THE PRISON
OFFICIALS NOW AND MAKE SURE THAT WE ACCOUNT FOR YOUR
SAFETY, OKAY?

AVILA: (NO ANSWER HEARD)

MYERS: ALRIGHT, MAN. YOU KNOW WHAT I FORGOT...I'M SORRY.

AVILA: (INAUDIBLE) I MEAN--

MYERS: NO I DON'T HAVE ANY OTHER QUESTIONS. I JUST...WHAT I
FORGOT WAS IS THAT I GOTTA GET SOME MORE DNA FROM YOU.

AVILA: --THAT'S RIGHT.

MYERS: AND THAT'S JUST GONNA BE TAKEN FROM SWABS FROM YOUR
MOUTH. HOW DID THEY COLLECT IT THE LAST TIME?

AVILA: (INAUDIBLE)

MYERS: SO I JUST NEED TO DO THAT AND I'LL...AND--

AVILA: DOES MY WIFE KNOW ANYTHING ABOUT IT?

MYERS: --SHE KNOWS...I MEAN, YOU KNOW, OBVIOUSLY YOU KNOW
SOMETHING'S UP. BUT I TELL YOU, I FEEL OBLIGATED TO LET HER
KNOW. UM...JUST BECAUSE IT'S A HORRIBLE THING FOR HER TO
BE SURPRISED WITH. AND IT'S A HORRIBLE THING FOR YOUR KIDS
TO BE SURPRISED WITH. AND I DON'T KNOW HOW SHE'S GONNA...I

MEAN I DON'T KNOW THAT SHE'S GONNA RUN OUT AND TELL YOUR KIDS EXACTLY BUT...DO YOU UNDERSTAND? DOES THAT MAKE SENSE?

AVILA: (NO ANSWER HEARD)

MYERS: I MEAN I DON'T THINK YOU'D WANT HER TO BE SURPRISED OR--

MADRID HEAR IT IN THE NEWS OR READ IT IN THE PAPERS--

MYERS: --AND NOT...I MEAN...SHE'S GONNA NEED SOME SUPPORT TO...TO HANDLE THAT KIND OF INFORMATION, YOU KNOW WHAT I'M SAYING?

AVILA: (NO ANSWER HEARD)

MYERS: WHAT'S THE--

MADRID (INAUDIBLE)

MYERS: --NO THE SHERIFF'S DEPARTMENT CASE NUMBER?

MADRID 23007252 (INAUDIBLE)

MYERS: WHAT TIME IS IT?

MADRID IT IS (INAUDIBLE) DO YOU NEED SOME GLOVES OR NO?

MYERS: I DON'T THINK SO. DO YOU NEED SOME WATER OR--

AVILA: (INAUDIBLE)

MYERS: --(INAUDIBLE)

AVILA: I DON'T KNOW.

MYERS: IF YOU GOT A QUESTION, FEEL FREE TO ASK.

AVILA: I DON'T KNOW IF YOU'RE GONNA CONTACT KATIE'S PARENTS.

MYERS: WELL EVENTUALLY WE WILL...I MEAN WE HAVE TO NOTIFY THEM. BUT---

AVILA: (INAUDIBLE)

MYERS: --ASK.

MASTER COPY

AVILA: WHEN...(INAUDIBLE) MESSAGE TO THEM THAT I'M SORRY AND I
(INAUDIBLE)

MYERS: I ABSOLUTELY WILL TELL THEM THAT.

AVILA: YOU GUYS ARE THE FIRST PERSONS THAT I TALKED ABOUT IT.
(INAUDIBLE) I'M SORRY I CAN'T...(INAUDIBLE)

MYERS: WELL IT'S...YOU KNOW, IT'S A TREMENDOUSLY HARD THING THAT
YOU JUST DID. AND I APPRECIATE YOUR HONESTY. AND I
APPRECIATE YOUR ACCEPTING RESPONSIBILITY FOR WHAT
HAPPENED AND MAKING EVERY...IT EASIER FOR EVERYBODY
INVOLVED TO START THE HEALING PROCESS...INCLUDING
YOURSELF.

MADRID YOU ALRIGHT (INAUDIBLE)

AVILA: (INAUDIBLE)

MYERS: (INAUDIBLE)

AVILA: I KNOW WHAT UM...THAT I...THAT I DID WAS RIGHT.

MYERS: RIGHT.

AVILA: AND I'M GONNA BE SAFE IN HERE.

MYERS: RIGHT.

AVILA: AND (INAUDIBLE) JUST BY EXPERIENCE AND YOU KNOW, WHAT DO
YOU THINK?

MYERS: UM...WELL JUST BY MY EXPERIENCE WITH WHAT?

AVILA: LIKE, YOU KNOW, INVESTIGATOR AND (INAUDIBLE) WHAT...WHAT
COULD I (INAUDIBLE) OR I MEAN I KNOW IT'S A PROCESS
(INAUDIBLE)

MYERS: RIGHT.

AVILA: (INAUDIBLE)

MYERS: WELL, I MEAN, OBVIOUSLY YOU CAN EXPECT SOME...I MEAN, TO BE
CHARGED AND I'LL TELL YOU THAT THE ONLY OPTIONS PROBABLY
ARE FIRST AND...OR SECOND DEGREE MURDER. IN OUR

MASTER COPY

STATUTES BECAUSE OF THE WAY YOU DESCRIBED THE THINGS THAT WENT DOWN. AND THEN THE PENALTIES ARE ANYWHERE FROM UM...WHAT IS IT LIKE 15 YEARS TO WHAT NEW MEXICO CALLS LIFE IN PRISON, WHICH IS 30 YEARS BEFORE YOU GET AN OPPORTUNITY FOR PAROLE. AND YOU OPEN FOR ME---

MADRID (INAUDIBLE)

MYERS: --NO I DIDN'T.

MADRID (INAUDIBLE)

MYERS: YEAH. NO, NO, NO...OPEN AGAIN. LET'S DO YOUR OTHER SIDE NOW. LET ME KNOW IF I'M HURTING YOU AT ALL. ALRIGHT.

MADRID (INAUDIBLE)

MYERS: (INAUDIBLE) YOU KNOW WHAT I'M GONNA DO IS I WILL LEAVE YOUR COPY OF THIS WARRANT AND THEY TURN THEM IN (INAUDIBLE) AND BASICALLY (INAUDIBLE) PROCESS (INAUDIBLE) TO MAKE SURE ON THIS DATE THAT WE SWABBED YOU AND TOOK THE SWAB.

AVILA: OKAY. HOW SOON CAN THIS BE PUBLICIZED?

MYERS: WELL LIKE I SAY WE'RE NOT IN A BIG RUSH TO DO IT BUT I...YOU KNOW, PROBABLY WITHIN A WEEK OR TWO.

AVILA: IT'S JUST THAT (INAUDIBLE)

MYERS: NO, NO, NO AND WE'VE ALREADY ADDRESSED THAT WITH THE WARDEN AND HE'S GONNA TAKE CARE OF THAT. OKAY?

MADRID AS A MATTER OF FACT, IMMEDIATELY.

MYERS: WE'LL MAKE SURE YOU ARE IN UH--

AVILA: BECAUSE AS SOON AS IT COMES OUT ON THE NEWS...(INAUDIBLE)

MADRID (INAUDIBLE) WATCH TV AND YOU ALL SIT HERE (INAUDIBLE)

AVILA: SINCE I'VE BEEN HERE THEY GOT EVERYTHING.

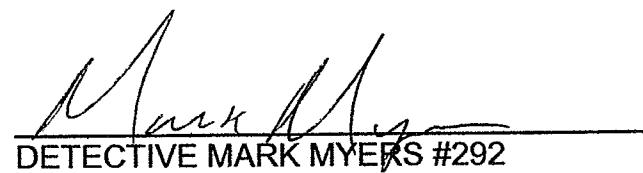
MADRID (INAUDIBLE)

AVILA: (INAUDIBLE)

MASTER COPY

MYERS: OKAY, CAN YOU KIND OF MOVE UP AND TRY TO SIGN BEST AS YOU
CAN RIGHT THERE. OKAY, GABRIEL, SIT TIGHT. I'M GONNA TALK
TO THE WARDEN REAL QUICK AND SEE WHAT...HE'S READY.

(RECORDING ENDS)



Mark Myers

DETECTIVE MARK MYERS #292

/mb (COMPLETED: 01-10-07, 19:55 P.M.)
